

service in Philadelphia—to the Committee on the Post-Office and Post-Roads.

By Mr. ADAMS: Resolutions of Trades League, of Philadelphia, Pa., urging the continuance of the pneumatic-tube system in Philadelphia—to the Committee on the Post-Office and Post-Roads.

By Mr. BURKE of South Dakota: Petition of South Dakota Woman's Christian Temperance Union, of Sioux Falls, S. Dak., in behalf of the Gillett bill—to the Committee on Alcoholic Liquor Traffic.

By Mr. COCHRANE of New York: Petition of Arthur H. Allen and others, of Troy, N. Y., favoring the exclusion of alcoholic liquor from countries inhabited chiefly by native races—to the Committee on Alcoholic Liquor Traffic.

By Mr. DALZELL: Resolutions of the Trades League of Philadelphia, Pa., in favor of pneumatic-tube service for Philadelphia—to the Committee on the Post-Office and Post-Roads.

By Mr. GRAHAM: Resolutions of the Trades League of Philadelphia, Pa., favoring the continuance of the pneumatic-tube service in Philadelphia and other large cities—to the Committee on the Post-Office and Post-Roads.

By Mr. HENRY of Connecticut: Petition of M. L. Bogue and others, of South Manchester, Conn., favoring the passage of the Gillett bill, for the protection of native races in our islands against intoxicants and opium—to the Committee on Alcoholic Liquor Traffic.

By Mr. HILL: Petition of Woman's Christian Temperance Union of Winsted, Conn., in behalf of the passage of the Gillett and Littlefield bills—to the Committee on Alcoholic Liquor Traffic.

By Mr. HITT: Petitions of E. Bowie and 29 others, Mrs. Charles Craig and 49 others, and Mrs. M. A. Van Valkenburg and 29 others, all citizens of Rockford, Ill., for the prohibition of liquor traffic in Africa and the islands of the Pacific—to the Committee on Alcoholic Liquor Traffic.

By Mr. LITTLEFIELD: Petition of citizens of New York City, favoring the exclusion of firearms, opium, and alcoholic liquor from countries inhabited chiefly by native races—to the Committee on Alcoholic Liquor Traffic.

By Mr. MANN: Petitions of F. L. Wilk, James B. Forgan, E. S. Pike, D. M. Cummings, and J. C. Scales, relating to the revenue-reduction bill—to the Committee on Ways and Means.

Also, resolution of United Brotherhood of Carpenters and Joiners of Peoria, Ill., favoring legislation in regard to irrigation—to the Committee on Irrigation of Arid Lands.

Also, paper of Joseph Schneider, relating to the claim of Carl Schneider for pension—to the Committee on Invalid Pensions.

By Mr. MERCER: Resolutions of Boiler Makers and Iron Shipbuilders of America, at Omaha, Nebr., for the reclamation of arid lands—to the Committee on Irrigation of Arid Lands.

By Mr. MCALEER: Petition of Woman's Foreign Missionary Society of the Presbyterian Church of Philadelphia, Pa., relative to alcoholic trade in the islands of the Pacific, and to prevent the sale of opium, intoxicants, etc., to undeveloped and child-like races—to the Committee on Alcoholic Liquor Traffic.

Also, petition of John C. Scales, of Washington, D. C., for the repeal of stamp tax on checks, drafts, etc.—to the Committee on Ways and Means.

Also, resolutions of the Trades League of Philadelphia, Pa., favoring extension of the pneumatic-tube service in Philadelphia and other large cities—to the Committee on the Post-Office and Post-Roads.

By Mr. NAPHEN: Petition of E. Bumstead & Co., of Boston, Mass., urging the passage of House bill No. 12551, for the protection of native races in our islands against intoxicants and opium—to the Committee on Alcoholic Liquor Traffic.

Also, petitions of S. Webster & Co.; John Hancock Mutual Life Insurance Company, of Boston, Mass.; and John C. Scales, of Washington, D. C., favoring reduction of war taxes—to the Committee on Ways and Means.

By Mr. NEEDHAM: Petition of orange growers and others in Redlands, Cal., and vicinity, in opposition to the transfer of the San Gabriel Forest Reserve from the Department of the Interior to the Department of Agriculture—to the Committee on the Public Lands.

Also, petitions of the Woman's Christian Temperance Union and citizens of San Diego, Cal., favoring the passage of the Gillett bill for the protection of native races in our islands against intoxicants and opium—to the Committee on Alcoholic Liquor Traffic.

By Mr. NEVILLE: Paper to accompany House bill for the relief of Asahel M. Thayer—to the Committee on Invalid Pensions.

By Mr. PAYNE: Petition of citizens of Sodus, Wayne County, N. Y., favoring anti-polygamy amendment to the Constitution—to the Committee on the Judiciary.

By Mr. POWERS: Petition of Woman's Christian Temperance Union of Burlington, Vt., favoring the passage of the Gillett bill

for the protection of native races in our islands against intoxicants and opium—to the Committee on Alcoholic Liquor Traffic.

By Mr. RAY of New York: Petitions of Woman's Home Missionary Society of the Methodist Episcopal Church, and citizens of Elmira, N. Y., favoring anti-polygamy amendment to the Constitution—to the Committee on the Judiciary.

By Mr. RIXEY: Petition of Board of Development of Alexandria County, Va., for the immediate passage of House bill No. 13307, providing for laying a single electric track across the Aqueduct Bridge from the District of Columbia to the county of Alexandria—to the Committee on the District of Columbia.

By Mr. SPIGHT: Paper to accompany House bill No. 11690 for the relief of Christ Episcopal Church, of Holly Springs, Miss.—to the Committee on War Claims.

Also, paper to accompany House bill No. 11726, granting a pension to Mrs. Hester A. Furr, widow of soldier in Indian wars—to the Committee on Pensions.

By Mr. WANGER: Petition of 25 members of the Woman's Club of Conshohocken, Pa., favoring the passage of the Brosius bill—to the Committee on Interstate and Foreign Commerce.

Also, petition of Rev. J. L. Gensemer and 23 citizens of Glenside, Pa., favoring the exclusion of alcoholic liquor from countries inhabited chiefly by native races—to the Committee on Alcoholic Liquor Traffic.

By Mr. JAMES R. WILLIAMS: Paper to accompany House bill granting a pension to Eli Lane, of Carmi, Ill.—to the Committee on Invalid Pensions.

Also, paper to accompany House bill granting a pension to Robert J. Tate, of Franklin County, Ill.—to the Committee on Invalid Pensions.

Also, papers to accompany House bill for the relief of Cynthia Thomas, of Clay City, Ill.—to the Committee on Invalid Pensions.

Also, paper to accompany House bill for the relief of Cynthia Martin, of Macedonia, Ill.—to the Committee on Invalid Pensions.

Also, petition of James L. Cunningham, of Thompsonville, Ill., for a pension—to the Committee on Invalid Pensions.

By Mr. YOUNG: Petition of the Trades' League of Philadelphia for the continuance of the pneumatic-tube system in Philadelphia—to the Committee on the Post-Office and Post-Roads.

SENATE.

THURSDAY, February 21, 1901.

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. LODGE, and by unanimous consent, the further reading was dispensed with.

The PRESIDENT pro tempore. Without objection, the Journal will stand approved.

DEPORTATION OF GEORGE T. RICE.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of War, transmitting, in response to a resolution of the 5th instant, certain information relative to the deportation of one George T. Rice from Manila to the United States by the authority of the general commanding in the Philippines, etc.; which, on motion of Mr. TELLER, was, with the accompanying papers, ordered to lie on the table, and to be printed.

DISPOSITION OF USELESS PAPERS.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Treasury, calling attention to Department letter of the 29th ultimo relative to the disposition of useless papers in the Treasury Department, and earnestly urging that the matter receive immediate consideration; which was referred to the Joint Committee on the Disposition of Useless Papers in the Executive Departments, and ordered to be printed.

ARMY NURSES.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of War, transmitting a letter from the Commissary-General of Subsistence of the Army explaining the importance of having an amendment made in line 16, page 20, of the Army appropriation bill by insertion after the word "men" in that line the words "and male and female nurses when," in order to provide for commutation of rations for members of the Nurse Corps; which, with the accompanying papers, was referred to the Committee on Military Affairs, and ordered to be printed.

MEDICAL AND HOSPITAL DEPARTMENT OF THE ARMY.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of War, transmitting a letter from the Surgeon-General of the Army, together with a memorandum and proposed text for the appropriation for the "Medical and

Hospital Department" for 1902; which, with the accompanying papers, was referred to the Committee on Military Affairs, and ordered to be printed.

ENROLLED BILLS SIGNED.

The signature of the President pro tempore was announced to the following enrolled bills and joint resolution, which had previously been signed by the Speaker of the House of Representatives:

A bill (S. 2432) granting an increase of pension to James A. Thomas;

A bill (H. R. 4742) to amend section 1225 of Revised Statutes so as to provide for detail of retired officers of the Army and Navy to assist in military instruction in schools;

A bill (H. R. 5137) authorizing the Secretary of the Interior to convey a certain lot in the District of Columbia to John H. Gause and others;

A bill (H. R. 7602) to correct the military record of Palmer G. Percy;

A bill (H. R. 8658) granting an increase of pension to Edwin G. Fay;

A bill (H. R. 10869) for the relief of the Medawakanton band of Sioux Indians, residing in Redwood County, Minn.;

A bill (H. R. 11110) to authorize the Mobile and West Alabama Railroad Company to construct and maintain a bridge across the Warrior River between the counties of Walker and Jefferson, in section 35, township 17, range 7 west, Alabama;

A bill (H. R. 13635) to authorize the construction of a bridge across Little River at or near mouth of Big Lake, State of Arkansas;

A bill (H. R. 13782) to amend section 4427, Title LII, of the Revised Statutes, relating to inspectors of hulls and boilers; and

A joint resolution (H. J. Res. 285) providing for the printing annually of the report on field operations of the Division of Soils, Department of Agriculture.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed a bill (H. R. 14018) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1902; in which it requested the concurrence of the Senate.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills and joint resolution; and they were thereupon signed by the President pro tempore:

A bill (H. R. 429) granting an increase of pension to John R. Joy;

A bill (H. R. 2430) for the relief of Jacob L. Hanger, alias William T. Graham;

A bill (H. R. 2623) granting a pension to Melville Oliphant;

A bill (H. R. 2692) granting an increase of pension to Louisa N. Godfrey;

A bill (H. R. 3825) to grant an honorable discharge to Frederick A. Noeller;

A bill (H. R. 5056) to authorize the Carolina Northern Railroad Company to construct and maintain a bridge across the Lumber River in or near the town of Lumberton, Robeson County, N. C.;

A bill (H. R. 8067) to incorporate the National Society of United States Daughters of 1812;

A bill (H. R. 10706) granting a pension to Flora Moore;

A bill (H. R. 11583) granting an increase of pension to Jerome R. Rowley;

A bill (H. R. 12079) granting an increase of pension to Benjamin T. Thomas;

A bill (H. R. 12415) granting an increase of pension to Carrie Otis Wallace;

A bill (H. R. 12526) granting an increase of pension to Alexander C. Scott;

A bill (H. R. 12616) granting an increase of pension to Nancy T. Hardy;

A bill (H. R. 13134) granting an increase of pension to William P. Rucker;

A bill (H. R. 13802) supplemental to an act entitled "An act to incorporate the Reform School for Girls in the District of Columbia," approved July 9, 1888; and

A joint resolution (H. J. Res. 292) providing for reprint of Bulletin No. 80, entitled "The Agricultural Experiment Stations of the United States."

PETITIONS AND MEMORIALS.

The PRESIDENT pro tempore. The Chair has received a memorial relative to an act to provide revenues for the island of Porto Rico, and for other purposes, with the request that it be referred to a committee. It will be referred to the Committee on Pacific Islands and Porto Rico.

Mr. LODGE presented a petition of 26 shoe manufacturers of

Boston, Mass., praying for the enactment of legislation to prohibit the transportation of prison-made goods from one State to another; which was referred to the Committee on Interstate Commerce.

He also presented petitions of the Woman's Christian Temperance Union of Wareham; of the Woman's Christian Temperance Union of Taunton, and 238 citizens of Northampton, all in the State of Massachusetts, and of sundry citizens of the State of New York, praying for the enactment of legislation to prohibit the sale of intoxicating liquors, firearms, and opium to the inhabitants of the New Hebrides; which were ordered to lie on the table.

He also presented petitions of 34 citizens of Taunton, 20 citizens of Leicester, and 40 citizens of Waltham; of the Woman's Christian Temperance Union, the congregations of the Congregational and Methodist Episcopal churches of West Brookfield; of 40 citizens of Boston, Cambridge, and Somerville; of 84 citizens of Massachusetts; of 42 citizens of Wellfleet, and of 9 citizens of Montague, all in the State of Massachusetts, praying for the adoption of an amendment to the Constitution to prohibit polygamy; which were referred to the Committee on the Judiciary.

Mr. SCOTT presented a petition of sundry citizens of Wheeling, W. Va., praying for the adoption of an amendment to the Constitution to prohibit polygamy; which was referred to the Committee on the Judiciary.

He also presented a petition of sundry citizens of Wheeling, W. Va., and a petition of sundry citizens of Fairmont, W. Va., praying for the enactment of legislation to prohibit the sale of intoxicating liquors in the New Hebrides; which were ordered to lie on the table.

Mr. KEAN presented a petition of Local Union, No. 146, Cigar Makers' International Union, of New Brunswick, N. J., praying for the enactment of legislation providing that all the remaining public lands of the United States be held for the benefit of the whole people, and that no grants of title to the same shall be made to any but actual settlers and home builders thereon; which was referred to the Committee on Public Lands.

He also presented sundry petitions of citizens of Haddonfield, Summit, Newark, and Montclair, all in the State of New Jersey, praying for the adoption of an amendment to the Constitution to prohibit polygamy; which were referred to the Committee on the Judiciary.

He also presented sundry petitions of the Prohibition League of Camden; of Rev. Heber H. Beadle, pastor of the Second Presbyterian Church of Bridgeton; of the Woman's Christian Temperance Union of Union County, and of the Woman's Foreign Missionary Society of the Presbyterian Church, all in the State of New Jersey, praying for the enactment of legislation to prohibit the sale of intoxicating liquors in the New Hebrides; which were ordered to lie on the table.

Mr. HOAR presented a petition of the Woman's Christian Temperance Union of Whitman, Mass., and a petition of the Woman's Christian Temperance Union of Worcester, Mass., praying for the enactment of legislation to prohibit the sale of intoxicating liquors in the New Hebrides; which were ordered to lie on the table.

He also presented petitions of John F. Danskin and 14 other citizens of Cambridge, E. P. Herrick and 17 other citizens of Leominster, Levin P. Causey and 48 other citizens, B. Hubbard and 19 other citizens of Plymouth, Robert Anderson and 39 other citizens of Cambridge, E. N. Munro and 41 other citizens of Wellfleet, Rev. J. H. Humphrey and 19 other citizens of Leicester, Thomas S. Wales and 10 other citizens of Allston, William C. Martyn and sundry other citizens, Lewis Sheldon and 8 other citizens of Montague, L. G. Abell and sundry other citizens, of the Woman's Christian Temperance Union of the Congregational and the Methodist churches of West Brookfield, all in the State of Massachusetts; of W. A. Holt and 16 other citizens of Chicago, Ill., and of the congregation of the Gunton Temple Memorial Presbyterian Church, sundry other churches and church organizations, and sundry citizens, all in the District of Columbia, praying for the adoption of an amendment to the Constitution to prohibit polygamy; which were referred to the Committee on the Judiciary.

Mr. PERKINS presented a petition of sundry citizens of California, praying for the adoption of an amendment to the Constitution to prohibit polygamy; which was referred to the Committee on the Judiciary.

He also presented a petition of the Board of Trade of Porterville, Cal., praying that an appropriation be made for the construction of a wagon road and trails along the Middle Tule River and its branches in Tulare County; which was referred to the Committee on Agriculture and Forestry.

He also presented a petition of the Allied Printing Trades Council of Los Angeles, Cal., praying for the enactment of legislation providing that all the remaining public lands be held for the benefit of the whole people, and that no grant to the title of any of these lands be given to any but actual settlers thereon; which was referred to the Committee on Public Lands.

Mr. CULLOM presented a petition of 1,150 employees of the Illinois Steel Company, of Joliet, Ill., praying for the passage of the so-called ship-subsidy bill; which was ordered to lie on the table.

He also presented a memorial of the congregation of the Methodist Episcopal Church of Tonica, Ill., remonstrating against an appropriation of \$5,000,000 being made for the St. Louis Fair unless the gates are closed on Sundays and no intoxicating liquors sold on the grounds; which was referred to the Select Committee on Industrial Expositions.

Mr. KENNEY presented a petition of the philanthropic committee of Philadelphia Yearly Meeting of the Religious Society of Friends, praying for the enactment of legislation to provide for a prompt cessation of the present war in the Philippines; which was referred to the Committee on the Philippines.

Mr. PETTIGREW presented petitions of sundry citizens of Sturgis, S. Dak., and of Pomona, Ill., and of Washington League, No. 1, American Anti-Trust League, praying for the passage of the so-called trust bill; which were referred to the Committee on the Judiciary.

Mr. TURLEY presented the petition of Mrs. Virginia E. Struble and 46 other citizens of Deerlodge, Tenn., praying for the enactment of legislation to prohibit the sale of intoxicating liquors, opium, and firearms in the New Hebrides; which was ordered to lie on the table.

REPORTS OF COMMITTEES.

Mr. PERKINS, from the Committee on Fisheries, to whom was referred the amendment submitted by Mr. RAWLINS on the 19th instant, proposing to appropriate \$25,000 for the establishment of a fish-cultural station in the State of Utah, intended to be proposed to the sundry civil appropriation bill, reported it without amendment, submitted a report thereon, and moved that it be referred to the Committee on Appropriations and printed; which was agreed to.

Mr. HOAR, from the Committee on the Judiciary, to whom was referred the bill (S. 5342) to authorize the registration of the names of persons, firms, or corporations engaged in transportation business, asked to be discharged from its further consideration and that it be referred to the Committee on Patents; which was agreed to.

Mr. BATE, from the Committee on Military Affairs, to whom was recommended the bill (H. R. 1136) for the relief of parties for property taken from them by military forces of the United States, reported it with amendments, and submitted a report thereon.

Mr. McMILLAN, from the Committee on Commerce, reported an amendment proposing to appropriate \$400,000 to the Brazos River Channel and Dock Company, in payment to that company for the jetties built by them at the mouth of the Brazos River, Texas, etc., intended to be proposed to the river and harbor appropriation bill, and moved that it lie on the table and be printed; which was agreed to.

Mr. FAIRBANKS, from the Committee on Public Buildings and Grounds, reported an amendment proposing to enable the Secretary of the Treasury to give effect to and execute the provisions of existing legislation authorizing the purchase of sites and the erection thereon of public buildings in the several cities enumerated therein, etc., intended to be proposed to the sundry civil appropriation bill, and moved that it be referred to the Committee on Appropriations, and printed; which was agreed to.

Mr. MORGAN, from the Committee on Foreign Relations, to whom had been referred Senate resolution No. 470, relative to the protocol of an agreement between the Governments of the United States and of Costa Rica in regard to future negotiations for the construction of an interoceanic canal by way of Lake Nicaragua, and heretofore reported from that committee, submitted the views of the minority thereon; which were ordered to be printed.

Mr. SHOUP, from the Committee on Military Affairs, submitted a report to accompany the bill (H. R. 14017) making appropriation for the support of the Army for the fiscal year ending June 30, 1902, heretofore reported by him.

Mr. GALLINGER, from the Committee on Pensions, to whom was recommended the bill (H. R. 3861) granting an increase of pension to Jesse Millard, reported it with an amendment, and submitted a report thereon.

Mr. HAWLEY, from the Committee on Military Affairs, to whom was referred the bill (H. R. 628) for the relief of Hamilton M. Sailors, asked to be discharged from the further consideration of the bill and that it be referred to the Committee on Claims; which was agreed to.

Mr. CULLOM, from the Committee on Foreign Relations, to whom was referred the amendment submitted by Mr. PENROSE on the 16th instant, proposing to transfer the consulate at St. Johns, Newfoundland, from class 6, at \$1,500, to class 4, at \$2,500, intended to be proposed to the diplomatic and consular appropriation bill, reported it with amendments, and moved that it be referred to the Committee on Appropriations, and printed; which was agreed to.

F. M. F. CAZIN.

Mr. PRITCHARD, from the Committee on Patents, to whom was referred the petition of F. M. F. Cazin, a citizen of New Jersey, praying that an investigation be made into the practices prevailing in the Patent Office under the present Commissioner of Patents, submitted the following report:

The Committee on Patents, having had under consideration the petition of F. M. F. Cazin, a citizen of the State of New Jersey, and certain other papers, beg leave to report as follows:

After a careful examination of the petition and accompanying papers, together with a letter from the Commissioner of Patents in explanation thereof, the committee is of the opinion that the facts do not warrant an investigation of the same by the committee, and in accordance with the request of the petitioner in a letter dated February 16, 1901, reports the same with the recommendation that the petition and all the accompanying papers be referred to the Committee on Organization, Conduct, and Expenditures of the Executive Departments.

The report was agreed to.

INSTRUCTIONS TO PEACE COMMISSIONERS AT PARIS.

Mr. PLATT of New York. From the Committee on Printing I submit a letter from the Public Printer in reply to the request made for information from him in the resolution submitted by the Senator from South Dakota [Mr. PETTIGREW], and I ask that it be read.

The PRESIDENT pro tempore. The letter will be read.

The Secretary read as follows:

GOVERNMENT PRINTING OFFICE,
OFFICE OF THE PUBLIC PRINTER,
Washington, D. C., February 20, 1901.

SIR: I have the honor to acknowledge the receipt, through your committee, of the following resolution of this date:

"Resolved, That the Committee on Printing be, and is hereby, directed to ascertain the reason why the Public Printer has not caused to be printed and delivered to the Senate the instructions and papers sent to the Peace Commissioners at Paris."

In answer I have to say that copies of the publication in question were delivered to the Senate this morning, before the adoption of the resolution quoted above.

In this connection I desire to state that the copy for this document was received at this office about 5.30 o'clock of February 7, and the proof was sent to the Department of State the following morning. The proof was returned from the Department of State yesterday afternoon, and copies were delivered this morning, as stated above.

Respectfully,

F. W. PALMER, Public Printer.

Hon. T. C. PLATT,
Chairman Committee on Printing, United States Senate.

Mr. PETTIGREW. Mr. President, the day before I introduced the resolution I tried to get a copy of this report, and sent persons to the Public Printer for that purpose, over two weeks having elapsed after the Senate had passed the resolution ordering it to be printed. Therefore, on the next day, finding we could not get copies, I introduced the resolution. It appears that after my inquiry, that afternoon, they got the proof, printed the document, and forwarded it to us.

The PRESIDENT pro tempore. The report will lie on the table.

WARREN HALL.

Mr. HOAR introduced a bill (S. 6015) for the relief of Warren Hall; which was read twice by its title.

He also submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the bill (S. 6015) entitled "A bill for the relief of Warren Hall," now pending in the Senate, together with all the accompanying papers, be, and the same is hereby, referred to the Court of Claims, in pursuance of the provisions of an act entitled "An act to provide for the bringing of suits against the Government of the United States," approved March 3, 1887. And the said court shall proceed with the same in accordance with the provisions of such act, and report to the Senate in accordance therewith.

BILLS INTRODUCED.

Mr. MONEY introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Claims:

A bill (S. 6016) for the relief of the estate of Wirt Adams, deceased;

A bill (S. 6017) for the relief of J. E. Whittington;

A bill (S. 6018) for the relief of the estate of J. B. Hall, deceased;

A bill (S. 6019) for the relief of the estate of William M. Bowles, deceased;

A bill (S. 6020) for the relief of the estate of Charles H. Borland, deceased;

A bill (S. 6021) for the relief of Abner P. Bush;

A bill (S. 6022) for the relief of Nancy Maria Minter;

A bill (S. 6023) for the relief of Joseph C. Ferriday;

A bill (S. 6024) for the relief of the estate of George G. Noland, deceased;

A bill (S. 6025) for the relief of Mrs. S. A. E. Bailey;

A bill (S. 6026) for the relief of Martha A. Dochterman;

A bill (S. 6027) for the relief of L. A. Whitehead;

A bill (S. 6028) for the relief of the estate of John R. Powers, deceased;

A bill (S. 6029) for the relief of Elizabeth Galbreath;

A bill (S. 6030) for the relief of the estate of Jesse Mabry, deceased;

A bill (S. 6031) for the relief of the estate of Wesley Crisler, deceased;

A bill (S. 6032) for the relief of R. T. Cheek;

A bill (S. 6033) for the relief of the estate of W. W. Dunton, deceased; and

A bill (S. 6034) for the relief of the estate of William E. Bolls, deceased.

Mr. BATE introduced a bill (S. 6035) for the relief of James W. Manier, sr.; which was read twice by its title, and referred to the Committee on Claims.

Mr. HOAR introduced a bill (S. 6036) granting a pension to Benjamin Shepard; which was read twice by its title, and referred to the Committee on Pensions.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. LODGE submitted an amendment proposing to appropriate \$2,000 to purchase from the estate of Mrs. Ben. Perley Poore the copyright of the publication entitled "The Political Register and Congressional Directory," intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. PERKINS submitted an amendment proposing to appropriate \$80,000 for the construction of an additional light-ship for use on the coast of California, Oregon, Washington, or Alaska, as exigencies may determine, intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. BAKER submitted an amendment authorizing the Secretary of the Interior to lease the public lands in the State of Kansas for periods of five years, without withdrawing the lands from homestead entry, intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Public Lands, and ordered to be printed.

Mr. WARREN submitted an amendment providing that to enable the Secretary of the Treasury to complete the public building at Cheyenne, Wyo., the provisions of the sundry civil appropriation act of June 11, 1896, be amended so as to extend the limit of cost of that building and site to \$325,000, and authorizing the Secretary of the Treasury to enter into contracts for the completion of that building within the limit of cost named, etc., intended to be proposed by him to the sundry civil appropriation bill; which was ordered to be printed, and, with the accompanying papers, referred to the Committee on Appropriations.

He also submitted an amendment authorizing the Secretary of State to pay and distribute all increment and accretions upon the sums reserved by the Department of State from the fund received by the Government of the United States upon the account of the payment of the awards of the late Spanish and American Claims Commission, etc., intended to be proposed by him to the general deficiency appropriation bill; which was ordered to be printed, and, with the accompanying papers, referred to the Committee on Appropriations.

Mr. CARTER submitted an amendment proposing to appropriate \$15,429.03 to pay to O. J. Salisbury, contractor post route No. 41112, Utah, for remission of part of deduction ordered August 11, 1891, remitted per order January 20, 1895, with interest thereon at 6 per cent per annum, etc., intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Post-Offices and Post-Roads, and ordered to be printed.

Mr. MASON submitted an amendment proposing to appropriate \$25,000 for the care of the indigent sick in the district of Alaska, intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. DANIEL submitted an amendment authorizing the Secretary of War to pay the clerks and other employees of the War Department and its bureaus for the work performed by them in excess of the regular working hours during the war with Spain up to and including January 31, 1899, at the same rate of pay per day then received by them, etc., intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Claims, and ordered to be printed.

THE PHILIPPINE ISLANDS.

Mr. RAWLINS. I submit an amendment, and ask to have it read, printed, and lie on the table.

The amendment was read, and ordered to lie on the table and to be printed, as follows:

An amendment intended to be offered by Mr. RAWLINS to the amendment proposed by the committee to the bill (H. R. 14017) making appropriation for the support of the Army for the fiscal year ending June 30, 1902.

After line 15, page 39, add to the last-named amendment the following: "Provided further, That the Government of the United States declares that it is its purpose and intention not to retain or exercise permanent control or

sovereignty over the Philippine Islands, but only to the extent necessary to secure their pacification and the establishment of a stable government therein by their people; and, upon the accomplishment of these ends and after securing by amicable arrangement suitable naval, military, and coaling stations and proper guaranties for the safety of those who have adhered to the United States and for the performance of the treaty obligations of the United States to other nations, the Government of the United States hereby pledges itself to withdraw from the said islands and leave the government and control thereof to their own people, and the powers hereinbefore conferred upon the President and the persons selected by him are to be exercised to the ends herein provided."

PAYMENT OF CERTAIN CLAIMS.

Mr. PETTIGREW submitted an amendment intended to be proposed by him to the bill (H. R. 13382) for the allowance of certain claims for stores and supplies reported by the Court of Claims under the provisions of the act approved March 3, 1883, and commonly known as the Bowman Act, and for other purposes; which was ordered to lie on the table and be printed.

Mr. LINDSAY submitted an amendment intended to be proposed by him to the bill (H. R. 13382) for the allowance of certain claims for stores and supplies reported by the Court of Claims under the provisions of the act approved March 3, 1883, and commonly known as the Bowman Act, and for other purposes; which was ordered to lie on the table and be printed.

Mr. PETTUS submitted an amendment intended to be proposed by him to the bill (H. R. 13382) for the allowance of certain claims for stores and supplies reported by the Court of Claims under the provisions of the act approved March 3, 1883, and commonly known as the Bowman Act, and for other purposes; which was ordered to be printed, and, with the accompanying paper, referred to the Committee on Claims.

DISTRICT WATER SUPPLY.

Mr. McMILLAN submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That of the document relating to the Purification of the Water Supply of the District of Columbia 500 copies be printed and bound in cloth for the use of the Committee on the District of Columbia.

COST OF NAVAL VESSELS.

Mr. TILLMAN. I submit a resolution, for which I ask immediate consideration. It simply calls for information.

The resolution was read, as follows:

Resolved, That the Secretary of the Navy be directed to send to the Senate a full statement showing the amounts authorized for new vessels under "Increase of the Navy" in each act of Congress since and including the act of March 3, 1883, the vessels authorized, the amounts appropriated, the amount expended upon each vessel authorized, the total actual cost of finished vessels, including hull, machinery, armor, armament, equipment, inspection, extra work done by contractors and at navy-yards; also, cost of drawings and inspection service for each bureau of the Navy Department, separately, to June 30, 1900, and the estimated amount to be expended upon unfinished vessels from that date.

Amount authorized for each vessel by Congress.

Contract price of each vessel.

Actual cost of each vessel complete.

Repairs in Construction Department since vessel was completed.

Repairs in Steam Engineering Department since vessel was completed.

Extra work by contractor for Construction Department.

Extra work by contractor for Steam Engineering Department.

Extra work in navy-yard for Construction Department.

Extra work in navy-yard for Steam Engineering Department.

Cost of trial trip.

Speed premium.

Cost of armor for hull.

Cost of armor for gun protection.

Cost of equipment for each of the following Bureaus separately: Bureau of Construction, Ordnance, Equipment, Steam Engineering.

Cost of plans and inspection service for each ship for each of the following Bureaus separately: Construction, Ordnance, Equipment, and Steam Engineering.

Number of inspectors, draftsmen, assistant draftsmen, copyist draftsmen, clerks, copyists, skilled laborers, and all other employees in drafting rooms and clerical departments employed at the various shipbuilding plants and navy-yards, showing separately the number employed by each of the following Bureaus (also total cost of this service for each of the following Bureaus): Bureau of Construction, Equipment, Ordnance, and Steam Engineering.

The PRESIDENT pro tempore. Is there objection to the present consideration of the resolution?

Mr. HALE. I think—

Mr. TILLMAN. It is merely a resolution asking for information, I will say to the chairman of the committee.

Mr. HALE. I think it had better go over for a day. I should like to look at it. I do not know that I shall oppose it when I have done so.

The PRESIDENT pro tempore. Objection is made, and the resolution will go over.

Mr. HALE subsequently said: The Senator from South Carolina assures me that there is nothing in the resolution which he submitted except a call for information needed by the Naval Committee in the consideration of their bill, and under these conditions I withdraw my objection.

The PRESIDENT pro tempore. Is there objection to the present consideration of the resolution?

The resolution was considered by unanimous consent, and agreed to.

RICHARD R. KENNEY.

Mr. CHANDLER submitted the following resolution; which was referred to the Committee on Privileges and Elections:

Resolved, That there be paid out of the contingent fund of the Senate to RICHARD R. KENNEY, a Senator from the State of Delaware, the sum of \$500, in reimbursement of expenses necessarily incurred by him in defense of his title to his seat.

MARTIN MAGINNIS.

Mr. CHANDLER submitted the following resolution; which was referred to the Committee on Privileges and Elections:

Resolved, That there be paid out of the contingent fund of the Senate to Martin Maginnis the sum of \$2,500, in payment of expenses necessarily incurred by him in prosecuting his title to a seat in the Senate from the State of Montana under appointment of the governor of Montana.

ARMY APPROPRIATION BILL.

On motion of Mr. HAWLEY, it was

Ordered, That there be printed 1,000 additional copies of the bill (H. R. 14017) making appropriations for the support of the Army for the fiscal year ending June 30, 1902.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. O. L. PRUDEN, one of his secretaries, announced that the President had on the 20th instant approved and signed the following acts:

An act (S. 854) for the relief of Lieut. Horace P. McIntosh;
An act (S. 5023) to extend the privileges of the seventh section of the immediate transportation act to New Bedford, Mass.;

An act (S. 5364) to establish a light and fog station at Point Dume, Los Angeles County, Cal.;

An act (S. 5404) to extend the privileges provided by an act entitled "An act to amend the statutes in relation to the immediate transportation of dutiable goods, and for other purposes," approved June 10, 1880, as amended;

An act (S. 1204) granting a pension to William Gaddis;
An act (S. 1628) granting a pension to Adolph Schrei;
An act (S. 1761) granting a pension to Girard Welch;
An act (S. 1828) granting a pension to Emma T. Martin;
An act (S. 1986) granting a pension to Fanny Healy;
An act (S. 2624) granting a pension to Mary M. Kean;
An act (S. 2879) granting a pension to Mary E. Griffiths;
An act (S. 2901) granting a pension to Abner C. Ricketts;
An act (S. 2907) granting a pension to Henrietta Parrott;
An act (S. 2914) granting a pension to Wilson E. Carter;
An act (S. 3224) granting a pension to Amos L. Hood;
An act (S. 3680) granting a pension to Mary Elizabeth Moore;
An act (S. 3750) granting a pension to Paulina Smith;
An act (S. 4022) granting a pension to William B. Caldwell;
An act (S. 4155) granting a pension to Julia S. Goodfellow;
An act (S. 4165) granting a pension to Dora Renfro;
An act (S. 4277) granting a pension to Albert Wetzel;
An act (S. 4836) granting a pension to Carrie E. Babcock;
An act (S. 5015) granting a pension to Betsey L. Woodman;
An act (S. 5017) granting a pension to George H. Shapley;
An act (S. 5033) granting a pension to Lizzie Barrett;
An act (S. 5045) granting a pension to Eliza N. Lord;
An act (S. 5090) granting a pension to Minerva McClernand;
An act (S. 5091) granting a pension to Hannah L. Palmer;
An act (S. 5140) granting a pension to Mary C. Coombs;
An act (S. 5235) granting a pension to Mary R. Pike;
An act (S. 57) granting an increase of pension to Joshua B. Harris;

An act (S. 63) granting an increase of pension to Cyrus A. B. Fox;

An act (S. 1044) granting an increase of pension to Rachel M. Worley;

An act (S. 1211) granting an increase of pension to Ross Wheatley;

An act (S. 1604) granting an increase of pension to Harvey Graham;

An act (S. 1872) granting an increase of pension to Hiram J. Reamer;

An act (S. 2102) granting an increase of pension to Andrew Reed;

An act (S. 2107) granting an increase of pension to James Brown;

An act (S. 2109) granting an increase of pension to Carroll W. Fuller;

An act (S. 2226) granting an increase of pension to Henry Muhs;

An act (S. 2228) granting an increase of pension to Oliver W. Miller;

An act (S. 2319) granting an increase of pension to Charles C. Bunty;

An act (S. 2621) granting an increase of pension to Charles Frye;

An act (S. 2886) granting an increase of pension to Thomas T. Phillips;

An act (S. 3264) granting an increase of pension to William J. Cannon, alias James Cannon;

An act (S. 3375) granting an increase of pension to Martha M. Bedell;

An act (S. 3501) granting an increase of pension to Kate Harbaugh;

An act (S. 3758) granting an increase of pension to William I. Miller;

An act (S. 3881) granting an increase of pension to Henry D. Johnson;

An act (S. 4073) granting an increase of pension to Robert A. Edwards, jr.;

An act (S. 4147) granting an increase of pension to Samuel N. Hoyt;

An act (S. 4418) granting an increase of pension to Andrew J. Woodman;

An act (S. 4440) granting an increase of pension to Charles Stewart;

An act (S. 4556) granting an increase of pension to William Fox;

An act (S. 4587) granting an increase of pension to Cora Van D. Chenoweth;

An act (S. 4788) granting an increase of pension to George P. Beach;

An act (S. 4789) granting an increase of pension to Bernard Wagner;

An act (S. 4841) granting an increase of pension to George A. Parker;

An act (S. 4856) granting an increase of pension to William F. Cloud;

An act (S. 4859) granting an increase of pension to Emily A. Wentworth;

An act (S. 4876) granting an increase of pension to Mary A. Merritt;

An act (S. 5005) granting an increase of pension to Frederick Vogel;

An act (S. 5016) granting an increase of pension to Francis H. Buffum;

An act (S. 5032) granting an increase of pension to John Geibel;

An act (S. 5036) granting an increase of pension to Norton Schermerhorn;

An act (S. 5081) granting an increase of pension to Joseph B. Whiting;

An act (S. 5126) granting an increase of pension to John D. Thompson;

An act (S. 5139) granting an increase of pension to Jacob Hight;

An act (S. 5192) granting an increase of pension to Richard O. Greenleaf;

An act (S. 5259) granting an increase of pension to William Gordon;

An act (S. 5360) granting an increase of pension to Hiram L. Hoyt;

An act (S. 5549) granting an increase of pension to Horatio N. Davis;

An act (S. 1792) granting a pension to Martha C. M. Fisher; and

An act (S. 3376) granting an increase of pension to James M. Fry.

HOUSE BILL REFERRED.

The bill (H. R. 14018) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1902, was read twice by its title, and referred to the Committee on Appropriations.

BOARD ON GEOGRAPHIC NAMES.

The PRESIDENT pro tempore laid before the Senate the following message from the President of the United States; which was read, and, with the accompanying papers, referred to the Committee on Printing:

To the Senate and House of Representatives:

I transmit herewith, for the information of the Congress and with a view to its publication in suitable form, if such action is deemed desirable, a special report of the United States Board on Geographic Names relating to geographic names in the Philippine Islands, and invite attention to the recommendation of the board:

"That, in addition to the usual number, there be printed 15,000 copies; 2,000 copies for the use of the Senate, 3,000 copies for the use of the House of Representatives, and 10,000 copies for distribution by the board to the Executive Departments and the public."

WILLIAM McKINLEY.

EXECUTIVE MANSION, February 21, 1901.

UNLAWFUL TRADE RESTRAINTS AND MONOPOLIES.

The PRESIDENT pro tempore. The Chair lays before the Senate a resolution which was permitted to retain its position until this morning. It will be read.

The Secretary read the resolution submitted by Mr. JONES of Arkansas on the 16th instant, as follows:

Resolved, That the Committee on the Judiciary be discharged from the further consideration of the bill (H. R. 10539) to amend an act entitled "An act to protect trade and commerce against unlawful restraints and monopolies," approved July 2, 1890, and that the Senate proceed to consider the same.

The PRESIDENT pro tempore. Will the Senate agree to the resolution?

Mr. HOAR. Mr. President, I should like to say something about

that resolution and to state very frankly what I think on the subject, and give the history of the matter.

The House sent over this bill to the Senate, and I hope I am not speaking too confidently when I say that there is not a member of the Senate on either side who would approve the bill as it stands.

The first section increases the penalty for a violation of the old anti-trust law, and it adds what the Senate has set its face against resolutely for a great many years, minimum punishments. It increases the present punishment, and it provides that in no case shall there be a less punishment than imprisonment for a certain term and a fine of a certain amount.

Now, there is no offense unless probably some of exceeding bestiality against children or offenses of unusual horror where it ought not to be in the power of the court, a man perhaps being misled or the offense being very trifling indeed, to inflict a less punishment than a long term of imprisonment.

Then in the case of civil suits against trusts by persons who claim that they have been injured by their competition or otherwise, where the old law gives a threefold damage, the bill provides that there shall not be anything less than a recovery in each case of \$250, and it further provides that any person may bring against any one of these trusts a bill in equity, and that thereupon, if the law has been violated, the court shall by injunction prohibit the offender from ever thereafter engaging either in interstate or international commerce. The offender must be an association or corporation. It does not apply to individuals. So, if some obscure agent, being an agent of the Union Pacific Railroad or of any great transportation company, has even inadvertently transgressed such a law, that company must absolutely be prohibited forever thereafter from engaging in interstate or international commerce.

Then there is another section which provides that if any person shall have violated the anti-trust law and shall testify in any suit, civil or criminal, to the facts, not that the testimony shall not be used against him, but that he shall not thereafter be punishable for the offense. In other words, if the most notorious and wicked offender against the policy of Congress shall have injured commerce to the amount of millions upon millions, having recklessly or defiantly disregarded the law, he is only to get some neighbor to bring a civil suit against him and go into court and say, "Yes, I did all these things; I do not deny it; I stand by it;" and from that moment he goes free.

Now, Mr. President, it does not seem to me that for any political advantage, for any purpose of making harangues to an ignorant or excited or prejudiced audience, or for any purpose of curing a great public evil, the Senate of the United States or any Senator of the United States is likely to consent to those provisions.

There is a further provision that no labor organization or association shall be liable to punishment under the act to which this is an addition. I gave as chairman of the committee several full hearings to the representatives of the labor organizations of the country who were interested in promoting this legislation, and also to the representatives of the great organization, the Brotherhood of Locomotive Engineers, and they agreed with me, all of them, that these objections were well taken and that the legislation ought not to pass.

Thereupon I proposed a measure, which I prepared carefully and thoroughly for that purpose, providing that the legislation against trusts should not apply to organizations for the purpose of raising wages, shortening hours of labor, or improving the conditions of labor, if their action were otherwise lawful and was not accompanied with criminal violence, keeping the first section of the bill, so far as it increased the punishment for the violation of the anti-trust law, but striking out the minimum punishment, that I was in hopes the Judiciary Committee would authorize me to report to the Senate, and I should be glad to have it taken up and passed. I am thoroughly in favor of it, and if the Senator from Arkansas had not submitted this resolution it was my purpose to state to the Senate what I now state, and see if I could not get that measure adopted.

Now, what would be the condition if that were done? We should not have had a new, thorough solution of this great trust problem. That I agree to; and I do not know anybody who is ready with one yet. I have not heard from either side of the Chamber a lawyerlike, statesmanlike, accurate definition of the word "trust." Still less have I heard a remedy which is thorough and perfect. I think we shall do better to leave that thing to work five or six months longer and to take it up when we have plenty of time at the next Congress, and when the two parties are not struggling for positions just before a great Presidential election. I think we had better let that part of it go. But if we do what I propose in the bill I had referred to the Judiciary Committee (and which I am going to ask the Clerk to read at the desk), we shall then have done this: The Congress of the United States would have satisfied one great interest in this country, to wit, the interest of organized labor. Congress would have done all they asked them to do, and would have declined to do only the things which,

on careful reflection and examination, they were satisfied we ought to decline to do. The great general question of trusts, increasing the penalty, and exempting these labor organizations, which never were intended to be attacked by the old law, would be left to be worked out on further public discussion.

That is all we could do. It is all, in my judgment, we ought to do; and it is what, in my judgment, we ought to do.

I have myself never for a great while felt more regret about anything than that a majority of the committee, not voting on party lines at all, did not agree with me in this view.

Now, I ask the Secretary to read the amendment which I propose, beginning with the part in italics in this document; and I will ask to print, without reading, the bill as it came from the House of Representatives.

Mr. TELLER. Before that is read, I want to ask the Senator if it is not a fact that in the committee, so far as that provision for organized labor is concerned, there was a united committee on that proposition?

Mr. HOAR. I do not suppose there is any member of the committee opposed to that proposition.

Mr. TELLER. And I ask the Senator further, if the matter did not go over on account of the fact that other things should be done as well?

Mr. HOAR. I have been a little careful in stating what occurred in committee, so as to be sure that I did not violate any parliamentary rule; but I will say, in a general way, that I do not know that any member of the committee whatever objects to the affirmative legislation in this proposition of mine; and further, I do not know, and I do not believe, that any member of the committee is in favor of anything that I object to in the House bill; and I have not heard of any member of the committee who has done so in any discussion anywhere. I suppose the members of the committee who declined to let me make my report declined on the ground, although they approve everything that I approve and disapprove everything I disapprove, that there ought to be something worked out of this House bill which would go further than the law would go as it would be left as it is.

Mr. TELLER. May I ask the Senator one other question?

Mr. HOAR. Certainly.

Mr. TELLER. I ask the Senator whether there was not a proposition made in the committee to accept his amendment as to organized labor, and then to report the bill as it came from the House with that amendment?

Mr. HOAR. I do not know how that is, and I do not remember precisely; but I dare say that may be true.

Mr. TELLER. I shall take occasion then to explain what the action of the minority of the committee was on the matter.

Mr. HOAR. Does the Senator object in any degree to the entire accuracy of what I have stated?

Mr. TELLER. I do not object to the accuracy of the Senator's statement so far as he has gone.

Mr. HOAR. Very well.

Mr. JONES of Arkansas. Will the Senator allow me to make a suggestion?

Mr. HOAR. In one moment.

Let me say further before I sit down what I think I should have said, that I had notified my brethren on the committee that I would myself bring this matter up in the Senate. Personally—not as the organ of the committee—I shall be delighted if the motion of the Senator from Arkansas shall be adopted and the bill shall be passed. So far every member of the committee was agreed as I recommend; and if any member of the Senate can suggest in the short time we have left for legislation a reasonable solution of this trust difficulty which will go further than that I shall be glad to have that.

Mr. JONES of Arkansas. We all seem to be agreed that this matter ought to be considered, it being a very important matter. So I think there should be no further objection to a vote on the resolution, and we can discuss the proposition on its merits when it shall be presented to the Senate.

Mr. HOAR. I expect to vote for the Senator's resolution.

Mr. JONES of Arkansas. That is all I ask for, Mr. President—a vote at this time.

Mr. PLATT of Connecticut. The Senator from Massachusetts [Mr. HOAR] asked that the Secretary read what would remain of the House bill if the amendment proposed be adopted.

Mr. HOAR. Yes.

Mr. TELLER. Let the Senator's amendment be read.

Mr. HOAR. Let me state again my proposition. What I propose is, that my amendment be read now at the desk, and that the House bill, in order that we may have all of the history in the RECORD, be printed in the RECORD without reading.

Mr. PLATT of Connecticut. If the Secretary is to read, I will wait until the reading has taken place before saying the few words which I should like to say.

The PRESIDENT pro tempore. The Secretary will read the

amendment proposed by the Senator from Massachusetts [Mr. HOAR] to the bill as it came from the House of Representatives.

The SECRETARY. It is proposed to strike out all after the enacting clause, and insert:

SECTION 1. That the offenses described in the act approved July 2, 1890, entitled "An act to protect trade and commerce against unlawful restraints and monopolies," shall hereafter be punishable by a fine not exceeding \$5,000, or by imprisonment not exceeding two years, or both, at the discretion of the court.

SEC. 2. That the word "person," or "persons," wherever used in said act, shall be deemed to include corporations and associations existing under or authorized by the laws of either the United States, the laws of the Territories, the laws of any State, or the laws of any foreign country, and the agents, officers, and attorneys of said corporations and associations.

SEC. 3. That the several district and circuit courts of the United States and the courts of the District of Columbia and of the several Territories of the United States are hereby vested with and given jurisdiction, within their respective jurisdictions as now prescribed by law, of all actions and proceedings, both civil and criminal, in law and in equity, necessary for the enforcement of said act; and it shall be the duty of the Attorney-General of the United States and of the several district attorneys of the United States within their respective districts to cause all persons, corporations, or associations violating or failing to comply with any of the provisions of said act to be promptly prosecuted therefor, and to enforce all of the penalties imposed by said act.

SEC. 4. That nothing in said act shall be so construed as to apply to any action or combination, otherwise lawful, of trade unions or other labor organizations, so far as such action or combination shall be for the purpose of regulating wages, hours of labor, or other conditions under which labor is performed, without violence or interfering with the lawful rights of any person.

The PRESIDENT pro tempore. The Senator from Massachusetts has asked that the bill as it came from the House of Representatives be printed in the RECORD. Without objection, that order will be made.

The bill as it passed the House of Representatives is as follows:

Be it enacted, etc., SECTION 1. That the act approved July 2, 1890, entitled "An act to protect trade and commerce against unlawful restraints and monopolies," be, and same hereby is, amended as follows:

SECTION 1 of said act is hereby amended so as to read as follows:

"SECTION 1. Every contract, combination in the form of trust or otherwise, or conspiracy, in restraint of trade or commerce among the several States, or with foreign nations, is hereby declared to be illegal. Every person who shall make any such contract or engage in any such combination or conspiracy shall be deemed guilty of a crime, and, on conviction thereof, shall be punished by a fine of not less than \$500 and not exceeding \$5,000, and by imprisonment not less than six months and not exceeding two years."

SEC. 2. Section 2 of said act is hereby amended so as to read as follows:

"SEC. 2. Every person who shall monopolize, or attempt to monopolize or combine or conspire with any person or persons to monopolize, any part of the trade or commerce among the several States or with foreign nations shall be deemed guilty of a crime, and, on conviction thereof, shall be punished by a fine not less than \$500 and not exceeding \$5,000, and by imprisonment not less than six months and not exceeding two years."

SEC. 3. Section 3 of said act is hereby amended so as to read as follows:

"SEC. 3. Every contract, combination in form of trust or otherwise, or conspiracy, in restraint of trade or commerce in any Territory of the United States or of the District of Columbia, or in restraint of trade or commerce between any such Territory and another, or between any such Territory or Territories and any State or States or the District of Columbia, or with foreign nations, or between the District of Columbia and any State or States or foreign nations, is hereby declared illegal. Every person who shall make any such contract or engage in any such combination or conspiracy shall be deemed guilty of a crime, and, on conviction thereof, shall be punished by fine not less than \$500 and not exceeding \$5,000, and by imprisonment not less than six months and not exceeding two years."

SEC. 4. Section 7 of said act is hereby amended so as to read as follows:

"SEC. 7. Any person who shall be injured in his business or property by any person or corporation by reason of anything forbidden or declared to be unlawful by this act may sue therefor in any circuit court of the United States in the district in which the defendant resides or is found, without respect to the amount in controversy, and shall recover threefold the damages by him sustained, provided the minimum sum recovered shall not be less in any case than \$50, and the cost of suit, including a reasonable attorney's fee."

SEC. 5. Section 8 of said act is hereby amended so as to read as follows:

"SEC. 8. That the word 'person,' or 'persons,' wherever used in this act, shall be deemed to include corporations and associations existing under or authorized by the laws of either the United States, the laws of the Territories, the laws of any State, or the laws of any foreign country, and the agents, officers, and attorneys of said corporations and associations."

SEC. 6. That said act is also hereby further amended by adding thereto the following new sections, which shall constitute sections 9, 10, 11, 12, and 13 of said act approved July 2, 1890, namely:

"SEC. 9. That every corporation, association, joint stock company, or partnership doing business in any State of the United States, or in any Territory belonging thereto, or in the District of Columbia, producing, manufacturing, or dealing in any article of commerce, when organized, formed, managed, or carrying on business for the purpose of controlling or monopolizing the manufacture, production, or sale of any such article of commerce, or for the purpose of increasing or decreasing the cost of such article of commerce to the user or consumer thereof for the purpose of preventing competition in the manufacture, production, or sale thereof, is, for the purposes of this act, hereby declared to be illegal, and may be proceeded against at the suit of any person or persons or corporation or association, or by and in behalf of the United States, and perpetually enjoined and restrained from doing or carrying on any interstate or foreign commerce whatever, either with the States or the Territories of the United States or the District of Columbia, or any foreign country, and, if adjudged illegal within the meaning of this act, it and its officers and the members of such association, joint stock company, or partnership shall be, and hereby are, forbidden and prohibited the use of the mails of the United States in aid or furtherance of any such business or purposes; and no article of commerce produced or manufactured or owned and dealt in by any such corporation, association, joint stock company, or partnership so organized, formed, managed, or carrying on business shall be transported or carried without the State or Territory in which produced or manufactured, or in which same may be, or without the District of Columbia if produced, manufactured, or found therein by any individual, corporation, or common carrier in any manner whatever. All such articles of commerce shipped in violation of the provisions of this act shall be forfeited to the

United States, and may be seized by any marshal or deputy marshal of the United States, or by any person duly authorized by law to make such seizure, and when so seized shall be condemned by like proceedings as those provided by law for the forfeiture, seizure, and condemnation of property imported into the United States contrary to law: *Provided, however,* That such article of commerce may be so carried or transported for the use of the consignor or consignee.

"SEC. 10. That any common carrier or transportation company which shall knowingly transport any property described in sections 6 or 9 of this act from one State to another, from a State or a Territory to a Territory, or to the District of Columbia, or to a foreign country, or from the District of Columbia to a State, or to a Territory, or to any foreign country, shall be subject to a penalty of not less than \$500 nor more than \$5,000, to be recovered by the United States in an action brought in any court of the United States having jurisdiction thereof, and which suit may be brought in any district in which such corporation, association, joint stock company, common carrier, or transportation company mentioned in this act has an office or conducts business; and any person or any officer, agent, manager, or attorney of any such corporation, association, joint stock company, common carrier, or transportation company who shall knowingly receive for transportation or transport, or aid in transporting any property described in sections 6 or 9 of this act from one State to another, or from a State or a Territory to a Territory, or to the District of Columbia, or to a foreign country, or from the District of Columbia to a State or to a Territory shall be deemed guilty of a misdemeanor, and, on conviction, shall be punished by a fine of not less than \$500 nor more than \$5,000, and by imprisonment not less than thirty days nor more than six months.

"SEC. 11. That in all prosecutions, hearings, and proceedings under the provisions of this act, whether civil or criminal, no person shall be excused from attending and testifying or from producing books, papers, contracts, agreements, and documents before the courts of the United States or the commissioners thereof, or in obedience to the subpoena of said courts or commissioners on the ground or for the reason that the testimony or evidence, documentary or otherwise, required of him may tend to criminate him or subject him to a penalty or forfeiture; but no person shall be prosecuted or subjected to any penalty or forfeiture for or on account of any transaction, matter, or thing concerning which he may testify, or produce evidence, documentary or otherwise, before said courts or commissioners, or in obedience to its subpoena or the subpoena of either of them in any such case or proceeding.

"SEC. 12. That the several district and circuit courts of the United States and the courts of the District of Columbia and of the several Territories of the United States are hereby vested with and given jurisdiction, within their respective jurisdictions as now prescribed by law, of all actions and proceedings, both civil and criminal, in law and in equity, necessary for the enforcement of this act; and it shall be the duty of the Attorney-General of the United States and of the several district attorneys of the United States within their respective districts to cause all persons, corporations, or associations violating or failing to comply with any of the provisions of this act to be promptly prosecuted therefor, and to enforce all of the penalties imposed by this act.

"SEC. 13. That any civil or criminal proceeding or prosecution authorized under this act in the name of or in behalf of the United States, or otherwise, may be begun and prosecuted by any person, firm, corporation, or association, or by any officer of the United States, in the name of and on behalf of the United States."

SEC. 7. That nothing in this act shall be so construed as to apply to trade unions or other labor organizations, organized for the purpose of regulating wages, hours of labor, or other conditions under which labor is to be performed. This act shall take and be in effect from and after June 30, 1900.

Mr. PLATT of Connecticut. Mr. President, the motion which the Senator from Arkansas [Mr. JONES] makes is intended to bring into this Senate eight days before its close, with the appropriation bills largely unfinished—I do not know how many of them, but I think seven or eight of the great appropriation bills unconsidered—a discussion of the complicated question of what Congress can do or ought to do with so-called trusts. It is a little striking, Mr. President, that when the Senator has felt that a month and more was insufficient for the proper consideration of the subsidy bill, it should be supposed by him that the few minutes during which any such bill as this can be before the Senate, are sufficient for the discussion of this great question.

It is a great question, Mr. President, what Congress can do or ought to do to regulate unlawful combinations in restraint of commerce or trade or their action in respect to the same. It is too large a question, too momentous, to be used in a political game of battledore and shuttlecock; and that is all there is, in my judgment, to this proposed motion. So, as a member of the Judiciary Committee, I felt, while I do not disagree with the suggestions of the chairman of the committee as to the propriety of those suggestions, that it was utterly impossible at this session to give this matter the consideration which it deserves.

Of course this House bill, stricken out from beginning to end, except in some unimportant particulars, with the amendment suggested by the chairman of the Committee on the Judiciary, can be thrown into the Senate; but that there is to be any agreement that the House bill on this subject is to be dropped and the suggestions of the chairman of the committee adopted, I think anyone knowing the temper of the Senate and the condition of the Senate must not only doubt, but must be sure is impossible. Therefore I was not in favor of any report. I think, as a member of the committee, I may say that at this time.

I want to say one word more, and that is that I am as anxious, I think, to go to the limit of Congressional power under the Constitution for the regulation of trusts, unlawful combinations, and unlawful action of corporations in respect to these matters as any member of the Senate. I think I realize as fully as any other member of the Senate all the evils that grow out of monopolistic combinations, and I want to go just as far as this Congress can under the Constitution in removing and preventing those evils.

I am not satisfied with this House bill; I do not believe any

lawyer in the Senate is; I do not think any lawyer in the Senate on either side believes that the provisions of the House bill are constitutional. I think that every lawyer believes that they are unconstitutional. But it has not followed, in my mind, and it does not follow, that there may not be some solution worked out by which our present so-called anti-trust law can be strengthened and made more efficient. In this session, which has been intense from the moment we came together until now, in which very great questions have demanded the attention of every Senator, I have not been able to give to the subject the careful consideration which enables me to come to a conclusion as to what, if anything, can be done. Therefore, Mr. President, in view of the fact that there was manifestly no opportunity for the discussion of this great question, and in view of the fact that really nothing would be lost by having further time for its consideration, I thought it unwise to make any report to the Senate upon the subject. If I was mistaken, why, then I was.

This bill as it came from the House contained a section which is the meat of the bill, to which the chairman of the committee has not, I think, referred at all, which is section 9. That section provides:

SEC. 9. That every corporation, association, joint stock company, or partnership doing business in any State of the United States, or in any Territory belonging thereto, or in the District of Columbia, producing, manufacturing, or dealing in any article of commerce, when organized, formed, managed, or carrying on business for the purpose of controlling or monopolizing the manufacture, production, or sale of any such article of commerce, or for the purpose of increasing or decreasing the cost of such article of commerce to the user or consumer thereof for the purpose of preventing competition in the manufacture, production, or sale thereof, is, for the purposes of this act, hereby declared to be illegal, and may be proceeded against at the suit of any person or persons or corporation or association, or by and in behalf of the United States, and perpetually enjoined and restrained from doing or carrying on any interstate or foreign commerce whatever—

Mr. HOAR. I referred to that.

Mr. PLATT of Connecticut. There is another feature to which I think the Senator did not refer.

Mr. HOAR. I beg the Senator's pardon. I accidentally omitted to refer to the other feature of it.

Mr. PLATT of Connecticut. The section proceeds—

either with the States or the Territories of the United States or the District of Columbia, or any foreign country, and, if adjudged illegal within the meaning of this act, it and its officers and the members of such association, joint stock company, or partnership shall be, and hereby are, forbidden and prohibited the use of the mails of the United States in aid or furtherance of any such business or purposes—

In other words, the whole provision is aimed not at the regulation of commerce, but at the prevention of manufacture by any such corporation or person.

I do not believe, Mr. President, that under the Constitution and in view of the decisions of the Supreme Court, Congress has the power to enact a law which prohibits practically the manufacture of articles which the parties manufacturing intend shall become subjects of interstate commerce. If I understand the Constitution of the United States as interpreted by the decisions of the Supreme Court, the power to regulate commerce commences only when articles are delivered to a common carrier for transportation to other States, and does not attach to articles of manufacture, though there may exist in the mind of the manufacturer an intention to send those articles into other States. This is just the line of demarcation on this subject. The House bill intends to prevent the manufacture of articles in the States which are intended for interstate commerce; and, if I understand the Constitution, that is beyond the power of Congress. It would be a most dangerous power, Mr. President, to prevent the manufacture of articles in the States which are intended for transportation to other States. I will not enlarge upon this point.

Mr. BACON. If I do not unduly interrupt the Senator, in order to get his view exactly, permit me to ask to what particular clause of this section does the Senator refer when he says the purpose is to prohibit manufacture?

Mr. PLATT of Connecticut. I think the whole ninth section has that effect.

Mr. BACON. The Senator draws his conclusion from the general tenor of the section and not from any special words.

Mr. PLATT of Connecticut. The section proceeds—
and no article of commerce produced, or manufactured, or owned and dealt in by any such corporation, association, joint stock company, or partnership so organized, formed, managed, or carrying on business shall be transported or carried without the State or Territory in which produced or manufactured, or in which same may be, or without the District of Columbia if produced, manufactured, or found therein by any individual, corporation, or common carrier in any manner whatever. All such articles of commerce shipped in violation of the provisions of this act shall be forfeited to the United States, and may be seized by any marshal or deputy marshal of the United States, or by any person duly authorized by law to make such seizure, and when so seized shall be condemned by like proceedings as those provided by law for the forfeiture, seizure, and condemnation of property imported into the United States contrary to law: *Provided, however*, That such articles of commerce may be so carried or transported for the use of the consignor or consignee.

Mr. BACON. The Senator does not find the prohibition in that language, does he?

Mr. HOAR (to Mr. PLATT of Connecticut). Read the beginning of the section.

Mr. PLATT of Connecticut. I have read the beginning of the section, and I am not going to stop to discuss the section critically now.

Mr. BACON. I beg the Senator's pardon. As he was on the floor, I did not desire to improperly interrupt him, but as he made the statement, I supposed he would like to point out for our information the particular phraseology to which he referred.

Mr. PLATT of Connecticut. The statement of the report made in the House, if I am not very much mistaken, was that this section aimed at preventing the manufacture of articles by corporations of the character named intended to be transported. It certainly has that effect.

But I can not stop this morning, because I do not want to take the time of the Senate, to go into a full discussion of this matter. I am only saying why I thought it was unwise at the present session to bring the matter into the Senate for a discussion which can not be had.

I have said, Mr. President, all that I desire to say about it except this.

Mr. TELLER. Mr. President—

Mr. PLATT of Connecticut. The Senator will allow me another word.

Mr. TELLER. I beg pardon. I thought the Senator was through.

Mr. PLATT of Connecticut. I simply wish to repeat what I have already said, that I am not satisfied that nothing can be done to strengthen the present anti-trust law. I do believe that what is proposed to be done in the House bill can not be done, and that it would be unwise if it could be done. Therefore, Mr. President, I have felt that the whole subject would be better dealt with and a reasonable conclusion reached if the matter had further time for consideration.

It is manifest that the only object of bringing the matter into the Senate at this time is to endeavor to secure some political advantage rather than an honest and sincere desire to perfect, if it be possible to do so, the anti-trust law as it exists upon our statute book.

Mr. TILLMAN. Will the Senator from Connecticut permit me to interrupt him?

The PRESIDENT pro tempore. Does the Senator from Connecticut yield to the Senator from South Carolina?

Mr. PLATT of Connecticut. Yes.

Mr. TILLMAN. Can we ever get any further away from an election than we are now? It looks as if we had just passed one; and if we are ever to undertake to deal with this subject, now is the time, when we are in a calm and nonpartisan frame of mind.

Mr. PLATT of Connecticut. I can scarcely think that the Senator from South Carolina believes that there is any opportunity for a careful, intelligent, and thorough discussion of this perhaps greatest measure before the country at this session of Congress.

Mr. TILLMAN. I do not believe there is any need for so much discussion. What is needed is some action. The House of Representatives did not seem to have much trouble in coming to a conclusion, for they passed the bill almost unanimously. We had better do wrong than not do anything.

Mr. PLATT of Connecticut. I do not assent to that proposition. I fear the Senator from South Carolina—

Mr. TILLMAN. I think we had better run some risks, I mean, than do nothing.

Mr. PLATT of Connecticut. I fear the Senator from South Carolina belongs to that class of politicians who believe that everything is wrong unless it is adopted by their own party. Pope once wrote:

Whatever is, is right.

But it seems to me that in these recent days and for political purposes Senators would reverse that proposition and say, "Whatever is, is wrong."

Mr. TILLMAN. Will the Senator permit me to interrupt him right there?

Mr. PLATT of Connecticut. Yes.

Mr. TILLMAN. The Senator's own party framed this bill and sent it across here. Therefore, if there is anything wrong in it, that party is responsible, and as they seem satisfied with it the Senator ought not to object to Democrats agreeing with them.

Mr. PLATT of Connecticut. Mr. President, I wish to elaborate in one word more, and then I shall not further take up the time of the Senate. The Senator from South Carolina—and I hope I have pronounced that name correctly—

Mr. TILLMAN. I am glad to see the Senator is learning something. [Laughter.]

Mr. PLATT of Connecticut. The Senator from South Carolina insisted it should be pronounced that way.

Mr. TILLMAN. That is right.

Mr. PLATT of Connecticut. The Senator from South Carolina discussed or helped to discuss day after day, week after week, and month after month the ship-subsidy bill, and then insisted that there was not time for its full discussion and consideration at this session. The Senator from Arkansas [Mr. JONES], who sympathized with him, now agrees with him that this whole trust question can be disposed of in the remaining time of the session, when we have all the great appropriation bills and all the other great measures for consideration.

Mr. President, I am willing to take my share of responsibility—

Mr. JONES of Arkansas. Will the Senator from Connecticut allow me to make a suggestion right there?

Mr. PLATT of Connecticut. Yes.

Mr. JONES of Arkansas. There is no doubt in my mind, if any large number of this Senate intend that this bill shall not pass and intend to discuss it for such a length of time as to prevent its passage, that it will be impossible to pass it. On the contrary, if there is an intention on the part of the Senate to arrive at a just conclusion in this matter, we can take it up, and if there are amendments which should be made to the House bill or changes which ought to be made they can be made, and the bill can be passed.

Mr. TILLMAN. We will meet with the Senator here at 8 o'clock at night to discuss this question and vote on it; but we did not like to meet at 8 o'clock at night to discuss the ship-subsidy bill, because that was not in the interest of the people, according to our ideas.

Mr. SPOONER. Will the Senator meet at 8 o'clock at night to discuss the oleomargarine bill?

Mr. TILLMAN. Yes, sir.

Mr. PLATT of Connecticut. Mr. President, I was about to say that I am entirely willing to take whatever share of responsibility falls to me by letting this matter go over to a session when it can be intelligently discussed. All the talk from the other side of the Chamber that the bill does not require discussion; that it was passed by a Republican House, and therefore we ought to take it without discussion, goes for nothing with me. I wish to repeat, and I wish to emphasize also, that I am as anxious to deal with this great question in the interest of the whole people of the United States by perfecting, if possible, by strengthening, if possible—and I am by no means sure that it can not be done—the provisions of the anti-trust law as any Senator upon this floor; but I do not think that the Senate should take up this matter and deal with it hastily, crudely, and without discussion, and, as I believe, for the purpose of scoring some political advantage.

Mr. PETTIGREW. Mr. President, I do not know that I should care to discuss this question at all now if it had not been for the allusion to the political phase of the matter. Under the circumstances, I think it is proper in this connection to give a brief history of this bill.

This bill is the product of the Republican majority of the Committee on the Judiciary in the other body. It was brought into the House of Representatives, where the minority were not allowed to discuss it or even to have amendments which they offered voted upon, under the rules which have been established by the majority. But the bill passed the House by the almost unanimous vote of every member, the minority believing that the measure was not as efficient as it might have been, and that it might have been amended there so as to provide for taxing the product of those great combinations, and in other respects made better and more perfect.

A majority thought otherwise and forced the bill through, and it came here on the 5th of June. Instead of being referred to a committee, it was read twice on separate days; and then I moved that the Senate proceed to its consideration. This was in June. No resolution to adjourn had been passed. The whole summer was before us. That motion was voted down. In other words, a motion to commit was made, which took precedence over my motion, and it was adopted by a party vote, all the Republicans in this body voting to commit the bill to the Judiciary Committee.

When the present session convened, was this the measure that the majority took up? No, Mr. President. It was the ship-subsidy bill that was of such vast political importance. This bill had served its purpose. It had been passed by the majority through one House. It had accomplished its object in the campaign. They had done with it all they ever expected or intended to do, and had accomplished all they ever expected to accomplish with it. The election was over, and when we convened, instead of making this bill the special order, another debt must be paid; the shipowners and shipbuilders must be taken care of. Therefore the ship-subsidy bill was forced upon the attention of the Senate and kept here for weeks, while this bill slumbered in the committee; and now at this late hour, although previously we have tried to secure the consideration of this measure at the present session, we are told by the Senator from Massachusetts and the Senator from Connecticut that it is a bad measure. They condemn it in unmeas-

ured terms and tell us they are unable to make it any better, and therefore insist that it shall continue to slumber in the archives of the Committee on the Judiciary.

It seems to me remarkable that those Senators should attack this measure which they refused to consider last June. We could have remained here through June and July. We could have discussed it and perfected it and enacted it into law, but if we had done it, its utility, which prompted its passage through the House, would have been destroyed. It could not have been used as a club to make the trusts pay campaign contributions. Now that the committee have confessed that they can not perfect it, that they are unable to report it, why shall not the Senate take it up and undertake to perfect and pass it? Why further delay? A committee confesses its impotence, and we ask to take charge of the measure and let the Senate pass upon it and make those amendments which the minority of the House tried to make last June, and thus relieve the people from the exactions of these great combinations.

Mr. TELLER. Mr. President, I do not desire to discuss the constitutionality of this measure or its merits. I simply want to add to what the Senator from Massachusetts has said about the action of the committee, because I think, after the chairman has made the statement which he has made, we are entitled to have a full statement of what was done in committee.

A subcommittee consisting of the chairman was appointed to deal with this question. I was not present when that was done, and in making some remarks in the Senate I said that there had been no action of the committee on this subject. The chairman reported the amendment which has been read here this morning, which is practically an abandonment of everything in the bill except the mere provision as to organized labor. That was practically all there was left to the bill.

Now, some of us, the minority, did not think that that was the bill which ought to be sent to the Senate. I think the members of the majority also agreed that if anything was to be done we must do more than that, or otherwise it was practically an expression of opinion on our part that we could not do anything. The matter ran along some time, and of course the minority of any committee are at a disadvantage. The burden of action lies with the majority. Finally it was proposed by the minority at least that we should report the bill to the Senate, being unable to agree as to exactly what ought to be done, some members of the committee insisting there was no time to do anything, and allow it to come to the Senate as the better course than to leave it in the committee.

Now, I want to question mildly the statement of the Senator from Connecticut that every member of the committee thought this was a bad bill in all its particulars. I think some members of the committee thought it was bad in some particulars, but not in all.

Mr. PLATT of Connecticut. I did not say it was a bill bad in all particulars.

Mr. TELLER. As unconstitutional in its general tenor.

Mr. PLATT of Connecticut. I think the Senator would scarcely say it is constitutional in all its features.

Mr. TELLER. I am not prepared to go into that discussion, and I shall not at this late hour. That is not the question. The question is whether the Senate of the United States wants to deal with this matter. The minority of the committee thought if we could not amend the bill to the satisfaction of the majority we had better report it to the Senate and let the Senate deal with it. It was a practical abandonment on our part of the jurisdiction of the committee, and we practically said, "We can not do anything with this bill; it is beyond our reach;" and the proper thing to do in such a case, as I think, is to return the bill to the Senate and let the Senate deal with it. That is what we tried to do and what we failed to get.

The majority of the committee, of course, can take the responsibility of defeating this bill by keeping it in the committee until it is too late to pass it or amend it or do anything else with it. As stated by the Senator from South Dakota, there was no opportunity to amend it in another place, but it received every vote in that body except one. I should not refer to that fact if the bill were before the Senate for discussion, but as it is not I think it is not beyond the parliamentary rule to say what I have said. The bill is one that attracted the attention of the people. It was a very important matter during the campaign. It was one of the promised things which if the party now in power succeeded again they were going to do. They pointed to the fact that they had a bill pending which would cure all of the evils of the great trusts. Now we are told that it is unconstitutional; that there is not anybody who would think of adopting it. It has some defects in it, I think. As the Senator from South Dakota says, no opportunity was allowed for its amendment in another place. There is such an opportunity here, or there would have been if we had got it here before. I know, of course, it is utterly impossible at this late hour to do anything with it. I think it has been kept away from

the Senate because there was a disposition not to do anything with it. That is all I care to say about it at the present time.

Mr. BACON. Mr. President, I do not desire to discuss the general merits of the bill or to occupy the time of the Senate at any length. The statement of the Senator from Connecticut, however, made with considerable emphasis, by its declaration and then a repetition of it, that there is no lawyer in the Senate, in his opinion, who would declare that he believed this bill to be constitutional, if permitted to pass without any reply might place those of us who favor the bill in its general features in a position of apparent insincerity. In such case it might appear that we are here, in fact, as the Senator from Connecticut has stated, simply attempting a political play in the pressure of a measure the passage of which we do not anticipate, and for which, possibly, upon the final vote, we would not vote, because of our unbelief of its constitutionality. Therefore I venture to occupy the time of the Senate for a moment to say, if I may be recognized as classed within the number of lawyers, that I do believe this bill to be constitutional so far as its general features are concerned. Whether or not there may be one or two minor features, one particularly to which I will allude, of doubtful constitutionality, is not the question.

The presentation by the Senator from Connecticut is as to the constitutionality of a measure as a measure and not as to matters of minor detail. Without pretending to have given the matter an exhaustive examination, as a member of the committee charged by the Senate with the duty of investigating it, I have given it a somewhat careful examination, and as the result of that examination, having reference to the particular features which the Senator from Connecticut had in view when he made the statement, I desire to state for myself that I do believe those features to be constitutional. It is true that I differ altogether with the Senator as to the proper construction of the bill. If I construed it to mean as he does, I should have to agree with him that it is unconstitutional, but I utterly dissent from the proposition that there is anything in this bill which looks to the prohibition or curtailment of manufacturing or production. It relates solely to the question of interstate commerce and as to the use of the article after it has been manufactured by being transported through the avenues of interstate commerce from one State to another.

Mr. HOAR. May I ask the Senator from Georgia a question right here?

Mr. BACON. Certainly.

Mr. HOAR. Does not the ninth section of the bill, as alluded to by the Senator from Connecticut, declare that any association or organization which shall undertake to control manufacture is illegal and shall not thereafter use the mails of the United States or engage in foreign or interstate commerce, and that illegality is to be ascertained not by a jury, but by a judge on an application for injunction? I so read it.

Mr. BACON. The question as to what is in the bill, especially when the section to which the Senator from Massachusetts alludes covers nearly two pages, is more readily determined by reading the section than by assenting to or dissenting from a verbal statement of the contents made by the Senator from Massachusetts. It is not necessary for me to read it. It has already been read in the hearing of the Senate, and to read it would unduly occupy its time, and it is to be put into the RECORD. So the question propounded by the Senator can be answered by each Senator either by recollecting what has been read or by rereading it for himself.

Mr. President, the Senator's question of course makes it necessary for me to take one step further than I had originally intended, not to go to the extent of a discussion of the merits of the bill, but to reply briefly to the proposition suggested by the Senator from Massachusetts and the Senator from Connecticut. I therefore call attention to the fact that the Senator from Connecticut, if I understood him correctly, in either reading or reciting the provisions of the bill where there is a declaration as to "illegality," omitted to read the words which qualify that declaration.

Mr. PLATT of Connecticut. I did not read the whole ninth section, because I did not want to take the time of the Senate.

Mr. BACON. I quite understand the Senator. I do not mean to charge him with anything else than in the recitation of the particular phrase in his mind he, without any intention to give a full presentation of it, omitted the words "for the purposes of this act." That is a very different thing. A law which declares that a certain act or a certain thing done shall be illegal is one thing, and it may be altogether without the jurisdiction of Congress so to declare, but to declare that it is illegal for the the purposes of the act, when the act goes on further to declare the purposes, which are within the jurisdiction of Congress, is a very different thing.

Mr. PLATT of Connecticut. Will the Senator please point out where those words occur?

Mr. BACON. In lines 14 and 15 on page 4.

Mr. HOAR. May I ask the Senator a question? Suppose that

to be true, as he states it, and I suppose it is true; does not the ninth section expressly declare not only that it is illegal for the purposes of this act, but that if a judge on a bill in equity so holds, the corporation shall never thereafter have the right to use the United States mails or to engage in foreign or interstate commerce?

Mr. BACON. I am coming to that. If the Senator further insists that I shall go into the merits of the bill, of course I am compelled to do so.

Mr. HOAR. But I understood the Senator to make a statement inconsistent with what I regard the fact.

Mr. BACON. If the Senator will permit me, possibly I will come to that, and I will with pleasure endeavor to answer the Senator's very pertinent inquiry. But before I have reached it, in order to complete the idea I am endeavoring to present, what are the purposes of the act?

Now, mark you, there is no declaration that a corporation of this kind or an association of corporations shall be illegal, because that is beyond the jurisdiction of Congress. Congress can not annul the charter powers of a corporation which derives its powers from the State of New Jersey or of New York or of the State of Georgia. It can not in any way deprive it of the vitality with which the jurisdiction having the power to endow it with life has endowed it. Congress can not enter a State and nullify the corporate power of any corporation deriving its corporate life from that State. Congress can say to an artificial person created by a State, as it can say to a natural person living in a State, what it or he shall or shall not do in the prosecution of interstate commerce.

Mr. President, that is what is declared to be the purpose of the act. The purpose of the act is not to reach the life of a corporation, but the purpose is to declare to what extent the powers of that corporation shall be used in the prosecution of interstate commerce. The purpose of the act is to lay the hand of Congress upon either a natural or an artificial person engaged in interstate commerce, and say, "If you attempt certain things, while you can lawfully do them in the State, you shall not do them in the prosecution of interstate commerce." That being the declaration of the purpose of the act, we understand what is meant when the bill says that for the purposes of this act a corporation of such and such a character is declared to be illegal; not illegal in its life; not illegal in its right to exist; not illegal in its right to exercise every power given it within its State, but the purpose to declare it illegal so far as its right to exercise that power in interstate commerce is concerned.

Therefore when the courts are called upon to determine whether or not this law has been infringed, the question is not whether Congress has annulled or attempted to annul the charter powers of the corporation within the State. The question is not whether, by reason of the fact that it has come within the condemnation of the law, it is illegal, so far as its right to exist is concerned, but the question is whether it is illegal to the extent that, coming within a certain description, it is made unlawful for it to engage in interstate commerce. That is all there is in it. Of course I am entirely familiar with the principle, at least, if not all of the details of the decision of the Supreme Court to which I know my learned friend, the Senator from Wisconsin, is going to allude, because we have heard him in the discussion elsewhere on that subject, in which the Supreme Court of the United States decided that Congress, by reason of this law or any other law, had no right to interfere with a corporation within a State so long as it was simply engaged in the act of production. There is no question whatsoever about that. But that decision does not go to the extent of saying that when that corporation, thus declared for the purposes of the act to be illegal, attempts the work of interstate commerce, that that is beyond the jurisdiction of Congress.

Mr. President, it is to this particular point that I know the Senator from Connecticut had allusion when he said that no lawyer believed the bill to be constitutional. While it is true that the particular question is not now before the Senate, that statement passed unchallenged might put some of us in a position of insincerity, by implication, at least, to which I have alluded. Without pressing that (I only desired to state it without elaboration), I pass to the question suggested by the learned Senator from Massachusetts.

Mr. QUARLES. May I interrupt the Senator from Georgia a moment to ask him a question regarding the measure on which he is now addressing the Senate?

Mr. BACON. I will yield with pleasure, but I am right in the middle of a part of the argument and I may pretermitt the answer until I reach some other part. However, I will hear the question now with pleasure.

Mr. QUARLES. What I desire to ask the Senator is this—Mr. BACON. I will remind the Senator that I am now endeavoring to answer a question, which I have not yet finished.

Mr. QUARLES. Very well; if it is more agreeable to the Senator, I will wait.

Mr. BACON. If the Senator will permit me to answer the question of the Senator from Massachusetts before I am asked to reply to another, I prefer that course.

Mr. QUARLES. Very well, I will wait.

Mr. BACON. Mr. President, I was about to proceed to answer the inquiry propounded by the senior Senator from Massachusetts as to the effect of the law prohibiting the use of the mails, etc., being predicated, as it would necessarily be, upon the decision of a judge. The point to which I wish to call the attention of the Senate is that while specific language is not used in this bill, under a familiar rule, known to all courts, of course, there would be no injunction, or even application for an injunction, until there was an effort made to violate the law in the use of the avenues of interstate commerce by such a corporation.

An injunction is only for the purpose of preventing that which is attempted or which is in such imminence of an attempt that a postponement would defeat the purpose of the law. In the instances where the attempt can be arrested, courts refuse to take cognizance of a purpose to attempt. Therefore this proposed law contemplates that when a corporation of the character described here attempts interstate commerce, attempts to ship from one State to another, then the courts may enjoin; "perpetually enjoin" is the language of the bill.

Now, the Senator from Massachusetts asks if it is not a fact that the bill contemplates a judgment by a judge without the intervention of a jury. Most undoubtedly, Mr. President, it does. And so does every other law upon the statute books or known to the jurisdiction of the Federal courts contemplate the judgment of a judge without the intervention of a jury upon the chancery side of the court; and wherever there is a jury on the chancery side of the court it is one granted in the discretion of the judge and one which he can deny without any violation of law. I care not what may be the magnitude of the question, how far-reaching it may be; a question relating to the power of the United States Government to levy an income tax for the support of the Government, a question relating to the power of Congress to legislate outside of the Constitution for outlying possessions, as they are now called, and any other question involving the vital powers of the Government, to say nothing of the rights of citizens, however large they may be, are questions which, if on the chancery side of the court, are finally decided by judges without juries.

Now, Mr. President, what is contemplated by this bill in the machinery provided for the ascertainment of the question whether or not, for the purposes of this law, when enacted, such and such a corporation may be illegal? It is exactly the same provision which is made in all cases where the chancery arm of the court is to be used. The Senate will mark that there is no provision here that upon the granting of a temporary injunction the use of the mails may be denied, but it is only when there is a perpetual injunction.

Well, what is the stage of the judgment of the court which determines a perpetual injunction? It is one after the most elaborate and careful consideration. It is one after the greatest care and delay, if you please, in the taking of testimony. It is one where courts pass with the utmost deliberation, much more so than they do in the ordinary cases of trial before a jury, and where there can be an ultimate judgment by the Supreme Court of the United States.

Now, how do these interests stand in any danger of being improperly condemned if they have all the machinery provided by law for the ascertainment of questions in the gravest matters affecting the vital interests of the Government? And it is not until then, Mr. President, that the Postmaster-General or the authorities of the Post-Office Department are authorized under this bill to deny to these corporations or persons, natural or artificial, the use of the mails.

This is not the first instance, Mr. President, in which a great evil has been sought to be corrected in this country by a denial of the use of the mails. I presume it may be safely said that the utter destruction of the lotteries in this country was effected more perfectly and more certainly by closing to them the use of the mails than by any other agency which was attempted for that purpose.

Mr. President, I can not go through the details of the bill, and it is not proper that I should attempt to do so. I have taken much more time and gone into it much more elaborately than I would otherwise have done but for the questions of the learned Senators. However, I desire to say that the features of the bill which came from the House which make any material changes are the features to which I have already made allusion, all of which, however, I have not specified, but which are found in sections 9 and 10 of the bill.

The law as it now stands upon the statute books is almost a nullity, because there is no method of carrying out and enforcing the intention of the law; but sections 9 and 10 of the bill provide machinery by which this great evil may be at least in part corrected if not entirely remedied.

Before I yield to the Senator from Wisconsin to ask the question which he proposes, I desire to say that there is one feature in the bill, and only one, which I recognize as of doubtful constitutionality, and that is the one which is found in the eleventh section, which provides that a person shall not be excused from testifying in any case under this act because the matter of his testimony may incriminate himself, followed as it is by another clause in the same section that no person shall be prosecuted or subjected to penalty or forfeiture by reason of his testimony. Of course we are all familiar with the clause in the fifth article of the amendments to the Constitution which says that "no person * * * shall be compelled in any criminal case to be a witness against himself."

I can not stop to discuss now as to whether this is an infraction. I admit that there is a question there, but that is not as to the general provisions of the bill. It is not within the scope contemplated by the Senator from Connecticut when he made the broad assertion that there is no lawyer who he believes would say that the bill is constitutional. I desire to say for myself that possibly with that exception I think it is constitutional.

Now, I will with pleasure hear the question of the Senator from Wisconsin.

Mr. QUARLES. Mr. President, inasmuch as the learned Senator is devoting himself to this measure as a lawyer, and the tendency of his comments is to commend the measure as a sound one, I should like to ask the distinguished Senator whether, as the ninth section now reads, it is not true that any corporation or individual that is manufacturing and vending any article of interstate commerce under a patent of the United States is liable to punishment under the ninth section—liable to have the goods confiscated and be shut out from the benefits of the mails?

Mr. BACON. The Senator speaks of the fact that the person is manufacturing a patented article.

Mr. QUARLES. Yes, sir; a patented article, which is a monopoly. Its only value lies in the fact that it is a legalized monopoly, and is not—

Mr. BACON. Does the Senator mean to direct his inquiry to the point that the only feature of monopoly in it is the fact that it is patented?

Mr. QUARLES. I mean to ask the distinguished Senator whether, as this raw and ill-digested piece of legislation now stands, there can be any defense made by a man who is manufacturing and vending under a patent, if this were the law.

Mr. BACON. If I were to answer the Senator yes or no, categorically, I might be understood as assenting to his proposition that this is a raw and undigested bill, and I do not so regard it. Therefore, disclaiming that, I will state, in answer to the Senator's question, I do not think that under the terms of the bill the fact that an article is protected by a patent would constitute the manufacturer of the article, either a natural person or a corporation, liable to the provisions of this proposed law.

Mr. QUARLES rose.

Mr. BACON. Now, if the Senator will pardon me a moment, as I see he is rising, of course every law is judged by the intent of the lawmaker, as it can be gathered from the law and, among other considerations, by the evil sought to be remedied, and no court would ever say—there is no judge worthy to sit on the bench who would ever say—that the purpose of this law was to reach a man who had the monopoly which the patent law gives him.

Mr. QUARLES. Will not my distinguished friend concede the proposition that before every court in the world the intention of the lawmakers is to be found in the language of the act, and is there any doubt under this language that the very dilemma I am speaking about exists? I would call the attention of the distinguished Senator—

Mr. BACON. Does the Senator want an answer to that question first?

Mr. QUARLES. Very well.

Mr. BACON. The Senator asks whether it is not true that the construction of every law is determined by the language of the act. Certainly not by it exclusively. Otherwise the well-known provision which I have already cited, the rule of construction that the evil sought to be corrected is one to be considered, would in the majority of instances be excluded, because it is rarely that the statute discloses words the evil sought to be corrected. It is gathered from other sources. Now I will hear the balance of the Senator's question.

Mr. QUARLES. I would call the attention of the Senate to another defect, a manifest defect, in this legislation. It makes unlawful that which society deems to be most praiseworthy. For instance, a man invents a new method of producing some useful article whereby he is enabled to decrease the cost of that useful implement or article. The only commercial advantage that inventor has lies in the fact, as the Senator will agree with me, that it lessens competition. It gives him an advantage, being possessed of that secret process, which other manufacturers do not have. Is it not true that this crude act would make the man who profited

by his own invention to lessen the cost of a sewing machine a criminal under this act, and subject him to punishment and a confiscation of the property?

Mr. BACON. I think I have already answered that question in the reply I made to the first question. Of course, when one has made an invention he protects himself against the competition to which the Senator alludes by letters patent.

Mr. QUARLES. But suppose he has not any letters patent.

Mr. BACON. If he has no letters patent, then he must stand as everybody else does.

Mr. QUARLES. Then he is a criminal under this section.

Mr. BACON. If he chooses to give his invention to the world, he has no right to claim any special advantage from the fact that he is the inventor.

Mr. QUARLES. What I want the Senator to answer if he will—

Mr. BACON. I will endeavor to answer.

Mr. QUARLES. I ask whether an inventor such as I have described does not stand under the penalty of this section, as the act now reads?

Mr. BACON. If he turned his invention loose; yes. But no man does that, Mr. President, any more than he voluntarily stands on his head instead of on his heels. If he has a valuable invention he patents it.

Mr. QUARLES. No—

Mr. BACON. Why does the Senator ask the question. What shall be done in case a man has a valuable invention that he does not patent? Where does the Senator know of one who has a valuable invention that he has not patented, and out of which he seeks himself to make his particular reward or profit as against the balance of the community?

Mr. PLATT of Connecticut. The man has a right to file his application, and then he is protected while his application is being heard.

Mr. BACON. Of course he is protected then.

Mr. QUARLES. I can hardly regard the rejoinder of my distinguished friend as anything more than an evasion.

Mr. BACON. I am extremely sorry that it should seem so to the honorable Senator.

Mr. QUARLES. It is not sustained, as a matter of fact, because I would advise my distinguished friend that in thousands of instances more recently inventions are not patented. I know in my own city there is a large engine works where they have hundreds of inventions which they use and apply as a secret invention in that shop, and never obtain letters patent upon them at all. They are able to decrease the cost of the manufacture of that engine by reason of the lawful possession of that secret, and still, if this law were to be passed, they would be criminals.

Mr. BACON. I possibly did not understand the Senator's question. Does the Senator mean to ask me whether the use of a secret invention not disclosed to the public would make one liable to this proposed law?

Mr. QUARLES. Yes, sir.

Mr. BACON. I answer most emphatically and decidedly no, Mr. President. There is no evasion in that answer.

Mr. QUARLES. Then I would say my distinguished friend has not carefully scanned the ninth section of this bill, in my judgment.

Mr. BACON. Possibly I may be less fortunate than my learned and distinguished friend, but I think I have arrived at a conclusion sufficiently accurate to be able to answer that question properly.

Now, Mr. President, I do not desire to detain the Senate. I want to say simply that this is a Republican measure. Although supported there by Democrats, it comes from a Republican House; and if it passes here by the support here of Republican Senators the Republican party will be entitled to the credit of it, and we on this side of the Chamber so recognize it. Under such circumstances there would be no party advantage to us in the enactment of it.

Mr. SPOONER. Mr. President, the Senator from Georgia says this is a Republican measure. I suppose he means by that that it was introduced and passed by a House in which the Republicans predominated. The Senator from Colorado [Mr. TELLER] spoke of the majority and minority of the committee. By that I suppose he alluded to the fact that a majority of the Judiciary Committee are Republicans and the minority are of a different political persuasion.

I have not myself been accustomed to think in the Judiciary Committee of politics or of the party to which any member of that committee belongs. It is the law committee of the Senate. It is the committee to which the Senate refers matters of proposed legislation involving constitutional and other legal questions, and I have not been able myself to see upon what theory the deliberations of the Judiciary Committee on questions of constitutional law or upon legal questions not constitutional could very well be

partisan and at the same time be patriotic and faithful to the Senate and to the people of the United States. This measure, like all measures involving legal questions, comes to that committee and we are to consider its legality, and whether it is legal or not is a pure question of law. Into the question of its legality does not legitimately enter any question of politics.

I have never, during the time I have been a member of the Senate, talked upon the floor of the Senate about what has happened in a committee room, although I am perfectly willing that whatever I say and whatever I do in a committee room shall be given to the public. We have all felt that in the Judiciary Committee we were entitled to that freedom of discussion which lawyers would have around an office table or around a table for consultation. We make various suggestions upon questions of law. Sometimes we are persuaded and convinced. The utmost freedom of discussion in the committee tends, without any regard to politics, to correct conclusions.

The first time this matter came before the committee when I was present was when it was reported by the Senator from Massachusetts [Mr. HOAR] as a subcommittee of one, to whom, without my knowledge, it had been referred, and we discussed it. We discussed it as lawyers would, and as lawyers ought to discuss a measure, and there was no political division in that committee so far as I know.

Mr. BACON. If the Senator will pardon me a moment, I should like to say something which I intended to say—

Mr. SPOONER. In a moment.

Mr. BACON. Right here. I will take but a second. I wish to bear testimony to the fact that in the discussion of this question before the committee there was every disposition shown, so far as I could see, to arrive at a conclusion which would be satisfactory to the members, and that there was no disposition disclosed to delay for the purpose of delay by any member of the committee.

Mr. SPOONER. There has been no division on party lines in that committee, so far as I know, except upon the proposition to report the bill to the Senate without recommendation.

Mr. TELLER. If the Senator will allow me an interruption, that is the only time I spoke of any division, and I do not say even that was upon party lines. I said the minority of the committee.

Mr. SPOONER. The Senator stated the other day that there was a division on party lines, as I remember.

Mr. TELLER. There was an absolute division on the question whether we would report it to the Senate or not.

Mr. HOAR. Favorably.

Mr. TELLER. No, sir; not favorably.

Mr. SPOONER. Without recommendation.

Mr. TELLER. Without any recommendation. I put that motion myself. The motion was first, I think, that it should be reported favorably. On that question I was not in favor of voting to report it favorably, I admit. I know it needs some amendment. But on the other question, on reporting it without recommendation, I voted to report it, and so did the minority of the committee.

Mr. SPOONER. This is the record. I was mistaken so far as the record is concerned. A motion was made—I need not state the mover of the motion—that the bill be reported favorably to the Senate with the amendment relating to the labor organizations, and upon that there were four yeas, all Democrats, and there were six nays, all Republicans. Then the motion was made to strike out the word "favorably," and report it without recommendation.

Mr. TELLER. That is what I said.

Mr. SPOONER. That was lost, but not upon a roll call. I am willing to say, so far as I am concerned, that I voted against it, for I was not willing that the Judiciary Committee of this body should report a great measure like this to the Senate without recommendation.

Mr. HOAR. Will the Senator pardon me a moment?

The PRESIDENT pro tempore. Does the Senator from Wisconsin yield to the Senator from Massachusetts?

Mr. SPOONER. Certainly.

Mr. HOAR. There was no motion made by anybody—Republican, Democrat, Silver Republican, Populist, or by whatever other name people are called in this world in that committee—that the bill should be reported favorably without coupling the motion with some proposed amendment.

Mr. SPOONER. I so stated.

Mr. TELLER. That is correct.

Mr. HOAR. That is correct. We all agree on that.

Mr. SPOONER. I stated that it was proposed it should be reported favorably with your amendment relating to labor organizations. Mr. President, that there are evils in the present situation no man can deny. That they ought to be remedied as soon as possible everyone will admit. They have been much discussed in the country and they were much discussed in the last Congress. A great many propositions of legislation in regard to them were

made, some of them absolutely ridiculous, some of them so palpably unconstitutional that there could be no party division in committee upon them.

This bill passed the House. After it was reported by the Senator from Massachusetts to the committee, with every clause of it stricken out which came from the House except the proposed amendment as to labor organizations, we had three meetings of that committee devoted to no other subject than a consideration of the bill, at which we talked over, as lawyers do and as lawyers should, the constitutional phases of this proposed legislation frankly and fairly; and I have not heard any man, with perhaps one exception, in that committee express his approval of this bill—only one.

Now, Mr. President, so far as I am concerned, I am not willing to demagogue upon this subject. I am not willing to enact legislation here upon a subject which I believe to be unconstitutional and entirely ineffective for any party purpose.

Mr. CULLOM. Or any other.

Mr. SPOONER. Or any other. There is legislation upon the statute books. Our jurisdiction to deal with this question is derived from that clause of the Constitution which gives to Congress power to regulate commerce among the States, with Indian tribes, and with foreign countries. So far as the power falls within the interstate-commerce clause, a law years ago was drawn which was intended to exhaust the Federal jurisdiction upon the subject. I was a member of the Senate at the time. It was committed to the Judiciary Committee, a defective bill having been introduced by Mr. Sherman. Time was taken in that committee. Great lawyers were upon that committee who participated in the report. Senator Edmunds was its chairman. The distinguished Senator from Massachusetts [Mr. HOAR], than whom I know no greater lawyer, had to do with the drafting of the bill. Senator George, of Mississippi, who was a great lawyer, participated in that work. Senator VEST, of Missouri, a great lawyer and an apt legislator, also participated in that work. That bill was reported to the Senate, and it was intended to be so, and it was so, drawn as to exhaust the Federal jurisdiction upon the subject; and so far as the Supreme Court of the United States has had occasion to deal with it, it has so held, in my opinion.

Later, when the Wilson tariff bill was under discussion here, upon motion, as I recollect it, of the distinguished Senator from Alabama [Mr. MORGAN], the same provisions of law adapted to foreign commerce were inserted in that tariff bill and became a law, and when the present tariff law was enacted by an express provision the Morgan amendment to the Wilson bill was continued in force and is now the law. I have not found any Senator yet who has been able to point out, in the committee or out of it, aside from enlarging the penalties described by the present law, any jurisdiction to go beyond it.

THE OLEOMARGARINE BILL.

The PRESIDENT pro tempore. The Senator will please suspend for a moment. The hour of 1 o'clock having arrived, the Chair lays before the Senate the unfinished business, the title of which will be stated.

The SECRETARY. A bill (H. R. 3717) to make oleomargarine and other imitation dairy products subject to the laws of the State or Territory into which they are transported, and to change the tax on oleomargarine.

Mr. HOAR. I hope the Senator from Wisconsin, who has gone so far in his statement, will be allowed, by unanimous consent, to finish his remarks, so that we may have them in one place, and not in two. I ask unanimous consent that he may be permitted to proceed.

Mr. SPOONER. Mr. President, as to the unfinished business, I wish to ask, and do ask, unanimous consent that there may be a vote upon the unfinished business on Saturday, the 2d day of March, at 3 o'clock in the afternoon, which ought to give abundant time, if we sit evenings—as we ought to do at this stage of the session—for legitimate debate upon it. The bill has passed the other House, it has been favorably reported in the Senate, and it ought to be considered and, I think, a vote had upon it. I therefore ask unanimous consent that a vote be had upon the bill at 3 o'clock on Saturday afternoon, March 2.

The PRESIDENT pro tempore. The Senator from Wisconsin asks unanimous consent that at 3 o'clock on March 2 there be a vote upon the pending bill and upon all amendments then pending or then proposed, without further debate. Is there objection?

Mr. PETTUS. What bill is that, Mr. President?

The PRESIDENT pro tempore. What is known as the oleomargarine bill.

Mr. PETTUS. I object.

The PRESIDENT pro tempore. Objection is made.

Mr. WOLCOTT. Mr. President, the Senator from Massachusetts [Mr. HOAR] has requested unanimous consent that the Sen-

ator from Wisconsin [Mr. SPOONER] may be permitted to proceed with his remarks, in which request I cordially concur.

Mr. SPOONER. I do not care to go on with this discussion to the exclusion of the Post-Office appropriation bill, and I can, without the slightest inconvenience, take the matter up when the subject again comes before the Senate.

Mr. HOAR. Then I withdraw the request.

POST-OFFICE APPROPRIATION BILL.

Mr. WOLCOTT. I move that the Senate proceed to the consideration of the Post-Office appropriation bill.

The PRESIDENT pro tempore. The question is on the motion of the Senator from Colorado.

Mr. THURSTON. Mr. President—

The PRESIDENT pro tempore. Does the Senator rise to discuss the pending motion?

Mr. THURSTON. I rise to suggest that I shall feel compelled, after this motion is passed upon, to ask for the consideration of the conference report on the Indian appropriation bill.

The PRESIDENT pro tempore. The question is on the motion of the Senator from Colorado [Mr. WOLCOTT], that the Senate proceed to the consideration of the Post-Office appropriation bill.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 13729) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1902.

Mr. THURSTON. Mr. President, I ask, without prejudice to the position of the pending bill, to take up the conference report on the Indian appropriation bill.

Mr. WOLCOTT. I am informed that the consideration of the conference report on the Indian appropriation bill will take some time, possibly the whole afternoon. That report has already been made. We have been postponing from hour to hour and day to day the consideration of the Post-Office appropriation bill until we are almost in sight of its finish. There are but two more amendments to be discussed. We shall finish them before very long. While I realize that the conference report upon the Indian appropriation bill is pending and that it must be soon disposed of, I very much hope the Senate will continue the consideration of the Post-Office appropriation bill until it is finished. If the Senator from Nebraska [Mr. THURSTON] considers it his duty to insist upon the conference report on the Indian appropriation bill, I shall raise the question of consideration.

Mr. THURSTON. I am willing not to insist upon my request for a time. If it appears, as the Senator conceives, that we can dispose of the Post-Office appropriation bill within a reasonable time, I am willing that shall be done.

Mr. WOLCOTT. I certainly think we can finish the Post-Office appropriation bill soon.

The PRESIDENT pro tempore. The Chair sustains the point of order made by the Senator from Maine [Mr. HALE] against the amendment yesterday proposed by the Senator from Illinois [Mr. MASON] in relation to the pneumatic-tube service.

Mr. CARTER. By direction of the Committee on Post-Offices and Post-Roads, I present the amendment which I send to the desk, to be inserted as a substitute for that disposed of by the point of order, to come in on page 16, after line 4.

The PRESIDENT pro tempore. The Senator from Montana, from the Committee on Post-Offices and Post-Roads, offers an amendment, which will be stated.

The SECRETARY. On page 16, after line 4, it is proposed to insert:

For transportation of mail by pneumatic tube or other devices, by purchase or otherwise, for maintenance and extension in cities having the system, and for establishing the system in Chicago and St. Louis and connection with East St. Louis, \$225,000: *Provided*, That all contracts hereafter to be made shall first be advertised publicly for proposals in the manner now provided by law for advertising contracts for carrying mails, and shall only be made after and upon the approval of a board of three engineers, one of whom shall be appointed by the Secretary of the Treasury from the Treasury Department, one by the Secretary of the Navy from the Navy Department, and one by the Postmaster-General, who shall be some engineer known for skill and experience in such matters; *And further provided*, That all contracts hereafter to be made shall contain a stipulation that the United States may acquire by purchase any system constructed or to be constructed under such contract upon the payment to the owner of such system of the value thereof, to be determined by a board of three appraisers, one of whom shall be selected by such owner, another to be appointed by the Postmaster-General, and the third by mutual agreement, or, in case of disagreement, by the judge of the district court of the United States for the district in which such system is located. Said appraisers in determining such price shall award and determine the actual structural value of said system, considering the use for which the same was designed, and may also take into account the earning power of such system: *Provided*, That the annual pneumatic-tube rental shall not in any case exceed the rate of \$12,000 per mile, including the cost of operation, nor shall any contract for such service be made to extend for more than one year: *Provided further*, That of the amount herein appropriated \$80,000 shall be reserved by the Postmaster-General for service in Chicago and St. Louis and connection with East St. Louis when pneumatic tubes become available in those cities.

The Postmaster-General is directed to investigate and report what, if any, extra charge should be made by the Government to the citizen for the use of pneumatic tubes.

Mr. CARTER. Mr. President, briefly stated, this amendment

differs from the one considered yesterday, to which the point of order was directed, in this: The sum appropriated is reduced from \$500,000 to \$224,000. The rate per mile for annual rental is reduced from the present rate obtaining in various cities, ranging from \$37,738 per mile down to \$12,000 and over, to the rate of \$12,000 per mile as the maximum. The amendment provides that not to exceed \$12,000 per mile shall be paid for rental and operating expenses.

The amendment further provides that there shall be set apart a sum of \$80,000 from the sum appropriated for service to be hereafter contracted for when it becomes available to Chicago, St. Louis, and East St. Louis connections. The figures upon which the committee proceeded to determine the amount and the manner of calculation I will briefly outline. We have now in existence 8.05 miles of pneumatic tubes in service.

Mr. CULLOM. In all the four cities?

Mr. CARTER. In all the four cities, the mileage being distributed as follows:

New York, 4.20 miles; general post-office, New York, to Brooklyn, 1.65 miles; Boston, 0.74 miles, and Philadelphia, 1.46 miles, making, as I before stated, an aggregate of 8.05 miles. The cost of this, according to the limitation placed by the committee, would be substantially \$96,000 per annum rental and operating expenses. Add to the \$96,000 thus provided for existing service the sum of \$80,000 set apart for use in St. Louis and Chicago after tubes become available, and you have the aggregate of \$176,000 of the appropriation disposed of.

It has been urged that certain increase of service, particularly in Boston, is almost indispensable to the perfection of the system at that place on any reasonable basis of operation. It is insisted that certain extensions should be made in the city of New York. It is likewise insisted that extensions are necessary in Philadelphia.

We provide in the surplus amount of the appropriation upon the basis of \$12,000 for rental and operating expenses per mile, in excess of the two sums disposed of in the manner indicated, the sum of \$48,000, which will allow contracts to be made for an aggregate extension in the cities of Boston, New York, Brooklyn, and Philadelphia of four miles during the life of this appropriation.

We further provide in the amendment presented that no contract shall be made for more than one year.

This, I think, fairly states the difference between the amendment as presented yesterday and the amendment as presented from the committee this morning.

Mr. LODGE. I should like to ask the Senator before he gets through, does this amendment open up this service to competition, or does it tie the Government down to a single company?

Mr. CARTER. The only change in the phraseology of the existing amendment consists in the change of figures in the manner indicated and in striking out all of a certain provision relative to appraisement.

Mr. LODGE. I have not read the amendment, and only heard it read at the desk. I inquire if it embodies the suggestion of the Senator from New Jersey [Mr. SEWELL]?

Mr. CARTER. It embodies that portion and embodies every portion of the amendment presented yesterday, save and except in so far as additions have been made, as I have indicated, a change of the figures in the amount appropriated, and the striking out of the sentence appearing in connection with the provision for appraisement of the property. That provision I will read, to the end that the Senate may be advised of the exact words stricken out:

Said appraisers in determining such price shall award and determine the actual structural value of said system, considering the use for which the same was designed, and may also take into account the earning power of such system.

It was believed by the committee better to allow the appraisers to proceed under the regular rules of law to determine the value of the property rather than to provide that the earning power of the property, based upon Congressional appropriation, should become the basis of the award by the appraisers.

Mr. CHANDLER. Mr. President, Senators will notice that the amendment is a very drastic measure of economy. The appropriations hitherto have been \$225,000 for the existing service. The proposition now made is to appropriate \$224,000 to maintain the existing service, to extend it in Boston, to extend it in New York, to establish a line in Chicago and a line in St. Louis, and unless Senators are absolutely opposed to any extension of the system they can not well object to this very clear and distinct and well-guarded measure of economy.

Mr. TILLMAN. Will the Senator from Montana tell us to what extent the system is to be extended in Chicago, as the provision extends it in general terms establishing the system, without stating how many miles there are to be or what amount is to be expended?

Mr. CARTER. The amount appropriated, considering the limit of rental per mile, would, of course, limit the amount that could be contracted for under this appropriation, as I understand.

Mr. TILLMAN. The extension of the system in a city might be 5 or 10 miles; in other words, unless we are going to give the people of a city enough to do them some good, I do not see the use of giving them any.

Mr. CARTER. I understand the fact to be that there is not now one foot of pneumatic tube in the city of Chicago ready for use.

Mr. TILLMAN. I know that.

Mr. CARTER. The contemplated service there will reach, I believe, about 8.76 miles.

Mr. TILLMAN. One hundred thousand dollars would be the rent for the use of the tubes after the company had built its conduits.

Mr. CARTER. The amount here appropriated is only considered as the amount which will be necessary for the fraction of a year, it being very clear that the tubes can not be put in active operation until the next fiscal year shall have been well advanced, and the amount of \$80,000 is considered, in view of those facts, quite sufficient for both St. Louis and Chicago.

Mr. WOLCOTT. Mr. President, I can assure the Senator from South Carolina [Mr. TILLMAN] that he need not be alarmed lest the Chicago pneumatic-tube service will not in time be receiving an ample sum out of the Treasury of the country. They have not yet even a hole in the ground, and we are proposing to give them by this amendment in Chicago and St. Louis \$80,000 for the current year. I do not think there need be any apprehension lest eventually there will not be taken from the Treasury a sufficient sum to adequately recoup the company which shall construct this pneumatic service.

Mr. President, the action of the committee has been reported to the Senate by the Senator from Montana [Mr. CARTER]. With the conclusions of the committee I do not agree, and I deem it my duty to address the Senate briefly to give my views upon the subject of pneumatic-tube service, especially in view of the fact that the commission appointed to investigate railway mail pay and cognate subjects gave likewise some time and consideration to the general subject of pneumatic service, and rendered, with but one dissenting opinion, a report favoring that the pneumatic-tube service and its extension be abandoned.

Pneumatic-tube service, Mr. President, is not new. It has been in existence in London for something like thirty-five years. There is a very short tube, I believe, in Berlin, and one in Paris, utilized, I think, only between post-offices; but as to that I am not for the moment certain. In none of these cities, during all the years the system has existed, has it been extended. In none of them is the use of the pneumatic-tube service permitted, except upon an additional payment of from 4 to 6 cents upon every letter that passes through the tubes.

The theory of the pneumatic-tube service is not that it shall supersede existing methods, but that it shall facilitate the passage of a certain amount of the mails of the country by this conduit. The tubes, as recommended by the Postmaster-General in terms, and as now in existence, are but 8 inches wide, with a carrier but 6½ inches in diameter. They can carry only first-class mail, which is but 5 per cent of the mails of this country; and, as I shall show later, even under the construction of these tubes, which will call for a quarter of a million dollars a year, less than one-tenth of 1 per cent of the mail of the country can, by any possibility, be carried through them, and less than 1 per cent of that one-tenth of 1 per cent can be in the slightest degree facilitated by their use.

The theory of pneumatic-tube service is that late letters mailed in a community topographically so constructed that its streets are blocked with traffic may, by an underground conduit, more rapidly reach the general post-office or the trains on which they are to be taken. No other reason exists for their presence, for if a letter is to go out at night and you mail it at noon or at 6 o'clock in the evening it is not facilitated by the tubes. It is only facilitated if just before the time of the departure of the mail you can put a letter in a tube and have it hastened to its destination.

They have tried the system in London. It has not been a great success there. Then it came to this country, and by an absolutely illegal and unauthorized act on the part of the then Assistant Postmaster-General a contract was entered into with three of the cities of the country respecting the use of the tubes.

We have taken great masses of testimony as to the way these tubes have worked. It is undoubtedly true that in the city of New York, where the highest rentals have been paid, there was jobbery and corruption at the inception and construction of the tubes. It is undoubtedly true now that the company owning the patents is innocent of that wrong; but its investment is such, its proprietors claim, that they are still compelled to exact high rentals. In the city of Boston the system runs from the general post-office to one station, and it undoubtedly facilitates the passage of the mails. In the city of Philadelphia it runs from the general post-office to the Pennsylvania station, and undoubtedly hastens the delivery of certain letters. From the general post-office in New York City to Brooklyn it does a little, not much. That is the existing use of the system.

We paid for this service, and have contracted to pay for it up to July 1, \$225,000 for the city of New York. The carrier, as I have said, is but 6½ inches. In that city the tubes carry no more than 80 per cent of the mail between the post-office and the Grand Central Depot. This system shortens the time for the transference of letters from the post-office to the station by about twelve minutes—some witnesses say twenty or twenty-five, but the best informed witnesses say a letter is facilitated about twelve minutes. There is allowed for the transmission of mail by wagon from the post-office to Forty-second street forty minutes on most first-class matter and thirty-five minutes on some of the rest; and the testimony shows that the time is rarely enlarged upon, but that the wagons carry it within the time specified. It saves twelve minutes and carries 80 per cent of the first-class mail, and practically none of the second-class mail. But the 80 per cent of the first-class mail that goes to those two stations is but a very small portion of the total mails of the city of New York.

I am only using that as an illustration. The Pennsylvania station; the Erie stations, at Chambers street and at Twenty-third street; the Pennsylvania station, at Twenty-third street; the Jersey Central Railroad station, at the foot of Liberty street; the West Shore Railroad, at Forty-second street; the departing steamship lines, the Sound steamers, the Long Island mail—all the mail for these places is transported to its destination by vehicle. Of this 80 per cent of letters, which constitute far less than 5 per cent of the total mails of the city of New York, not one-tenth of 1 per cent is facilitated by the use of the tubes.

If Senators will stop to think a moment, they will recall that the great mails which depart from this country from the great cities depart at night or in the early morning. There is not a city in the Union where the great mails which leave it do not leave at a late hour, after the counting houses are closed or at an early hour, long before they open. The business of New York, with its great commercial interests, which lead to this correspondence, closes its counting houses at 5 or 6 o'clock, and if you mail a letter to the West from down town in New York or anywhere in the business district, pneumatic tubes do not get it to the West a moment sooner than if it had been sent by wagon, and so with the incoming letters. They are distributed by carrier. They arrive in the early morning. The fast mail comes in the morning. Twelve minutes difference in the receipt of a letter is the most that can be accomplished by the use of the pneumatic tube, and it only touches, as I say, a small portion of the mail.

The pneumatic-tube service must be a monopoly as it is at present constituted. It furnishes no commercial business, and it is not proposed to give this service to the cities of Chicago and St. Louis. It has but one customer, but one patron, and that is the Government of the United States. The Government pays for its operation, and the Government turns over certain of its clerks to assist in its operation; the Government furnishes, upon Government property and within its own domain, the power and the power houses necessary to move it. The pneumatic-tube service does not furnish land; it does not furnish real estate; it furnishes nothing on earth but the ability to control a board of aldermen—nothing else. They get the right from the city to lay their pipes through the public highways. Then they come to the Government of the United States and say: "For so much you can take this system and carry your mail."

The rambling report of the Postmaster-General, which has been dwelt upon so often here, says that it is a system that the Government should own and control; but it is in an experimental stage, and therefore the Government should not own it. Mr. President, if it is in an experimental stage, that is the time the Government should own it and not private individuals, who at a large rental desire the Government to take the responsibility for their experiments and pay the rental for them. It is in the experimental stage, and if we had not been able to arouse in this Senate a sectional feeling that what one community has another should likewise have; if we were broad enough to say, "This is a great, new economic principle, and we want it somewhere experimented upon, so that the whole country may utilize it and be benefited by it if it is feasible;" if we were broad enough to take that position, we would take one of the cities where there are already tubes laid and in use, like the city of Boston, with its narrow and circuitous highways and its topographical situation, and the construction of its two union stations so fixed and adapted that it can use to advantage pneumatic-tube service, or the city of New York, the great artery of commerce for the New World, with its long, narrow line of city, with its streets at times blocked and with the necessity of getting to a dozen railroads and 20 stations and substations not now reached by the tubes, we would say, "Under Government supervision you may make this experiment under our direction and under the engineers from our War Department, and we will see whether or not this is a permanent improvement and one tending to further assist in the development of American commerce, and until that is done we will not go further."

But even so, Mr. President, the question is not answered, and

in my opinion there is but one true and proper solution of the pneumatic-tube service. There should be, first, experiments under the engineers. Those experiments can be made above ground. There is a company in Burlington, N. J., which has laid 2,400 feet of pneumatic-tube service above ground. Our engineers could experiment there. Then, if we find it wise, we should pass general legislation, in which we would grant this service to all cities having more than 600,000 or 800,000, or whatever you please, of population (these cities owning and controlling, necessarily, the highways and streets in their own municipalities) where the municipality will construct a line of pneumatic-tube service, under the direction of an official of the War Department or the Treasury Department, and tender it completed, furnishing without expense to the Government the franchise and the easements, with certification as to the legitimate and fair cost. Then the Government might agree with that city that it would take the pneumatic-tube service, repaying to the city annually 3 per cent upon its cost, and be freed from taxation upon it. That is the only fair and legitimate way.

The business of the world is not greatly facilitated by pneumatic-tube service. The business of cities may be if the experiment works out and pays, but if that be so, it should be a matter of local pride in the cities wanting pneumatic service that they will construct the tube and tender it to the Government, which shall, in the interest of the whole public, pay a reasonable price for it. We propose no such thing. We propose to put the new service in the hands of patentees who are unwilling, this late report says, to tell us upon what terms they would sell to the Government, because they say they want to be protected by legislative and State enactments before they can dispose of their patents, and that it is impossible for them to consult all their stockholders and give the Government information upon what terms and conditions they would sell.

More than that, we are asked to introduce this new service into a city where we are told there is a public clamor and a universal civic demand for it, and we are to be held up at the threshold of the contract with \$11,000 a year in the city of Chicago if you make a contract for 8 miles, or 5 per cent upon your gross revenues. You can not have any revenues except those which the Government gives you. But the city of Chicago wants the tobacco raiser of South Carolina and the cotton raiser of the South and the lumberman of the West to pay to the city of Chicago 5 per cent on all the money the Government pays for this accommodation of the city.

Then there has been brought in a plan for Chicago which has met the approval of the Postmaster-General. I hope Senators will not be deceived by the size of the pamphlet into the impression that there has been any exhaustive examination of the question. The report will show you that the commission of experts met on the 10th day of December and on the 20th day of December they filed this bulky document, telling us how the pneumatic-tube service of the country should be carried on. This is the recommendation as to that city. They recommend 8.76 miles of pneumatic service for the city of Chicago, which is eventually to be constructed. It does not make any difference that you give only \$80,000 now. You will never quit until there is not a substation or a street or an alley or a stock yard or a slaughterhouse in the city of Chicago that is not connected by the pneumatic service.

These things progress with absolute certainty. We are shown their plans. It is not to connect the post-office with the station. That is but a small portion of the 8.76 miles, but our money is to go to build a long cul-de-sac for several miles south in Chicago until it strikes the stock yards, so that a man in a Chicago abattoir may send a letter a half an hour sooner than he otherwise would be able to do it, and the pneumatic-tube service, at the expense of the United States, will take it and deliver the letter to the train.

Senators must not make up their minds that that is a matter which affects other cities. It does not. Three hundred and eighty tons of mail pass through the city of Chicago every day. The Postmaster-General says they have already determined—this is in the ten-day report—that it must be an 8-inch tube; that no other is feasible. That means a 6½-inch diameter pipe. It means that size [indicating], roughly speaking, in which only first-class mail can be carried. It is to connect with the different railroads and the general post-office, but of the 380 tons of mail that pass through the city of Chicago 300 tons are in transit through the city and 80 tons originate in the city.

Now, the 300 tons of mail can never pass through the pneumatic tube. It is distributed in postal cars east of Chicago and in postal cars west of Chicago into great mail bags. They can not open them in Chicago and fold up the mail and put it in a little holder so long [indicating] and so large around [indicating]. They have to do it by wagons. There is no assistance rendered. If I am sending a letter to Omaha from Washington, all the pneumatic-tube service that the Chicago patentees might build would never facilitate my letter a minute. It is only for local mail.

We are told that the whole world is to be the gainer. It does not help a second in respect of a letter from New York to San Francisco, or from here to the Philippines. It helps only the local mail. You have this long line ending in a cul-de-sac. There is no railroad station, or anything. You might just as well build for the Chicago people a street-car line and let the Government pay for it as to build them this with any idea that the public service of the United States is to be benefited by it.

Mr. President, we have also included St. Louis. St. Louis wants it. I do not know whether she wants it instead of an exposition or whether she wants it in addition to an exposition; but all of a sudden yesterday there was an amendment to include St. Louis as well, whereupon there were additional votes that the point of order which had been raised was poorly raised and not justified by the rules of the Senate. It starts in two cities, and it will end with more. I have no opposition to the pneumatic-tube service or to any method whereby the public business of the country may be facilitated; but we have had here an exemplification of the fact that when a private concern has once commenced to serve the public and can serve no other agency, we all of us have the moral feeling that we must pay it some reasonable sum for the use of the facilities. It is for that reason we are continuing to give the service at some fair price, and should, to Philadelphia and New York and Boston, where the pneumatic service is ably managed.

We are going to add Chicago and St. Louis to the list of cities. At the next session of Congress, if the votes are shy, you will get another city or two added, and so while it is in an experimental stage, where nobody knows whether it is good or whether it is bad, or what patents are good or what patents are useless, while companies in New Jersey are insisting that a 30-inch tube, and apparently demonstrating it, that will carry the whole mail bag should be adopted, we are arbitrarily saying it shall be an 8-inch tube, and this must be adopted.

Mr. President, it is for these reasons, very briefly stated, that I feel called upon to oppose the amendment. To me it is a matter of no interest in the world. I shall be out of the Senate in a few days, but I deem it my duty to stand up against what I conceive to be a flagrant waste of public money. I have no feeling about it, and yet this amendment would come with a cleaner taste in its mouth if it had been presented first in the other body, where it belonged. This report was filed in December last. The Post-Office Committee of the other body considered all these matters and had before it this report. The friends of the pneumatic service never presented to that committee and no friend of the patentees presented on the floor of the House any suggestion that the Congress of the United States should appropriate money for pneumatic service. Now they come and are knocking at the back door of Congress. They ask for the first time that this large appropriation shall be added to the Post-Office bill, with the idea that it can be passed through the House of Representatives on the report of a committee of conference. It does not seem to be fair, and it does not seem to me wise, and it does not aid in commending it in my opinion to public confidence.

I have one other word to add for the information of the Senate. There are no economies in this as to transportation. In Boston and Philadelphia the pneumatic-tube people undertook to do the wagon service, but in New York, where there is wagon service, the wagon service has been increased.

Mr. KENNEY. Mr. President, the question before the Senate is by no means a new one. A year ago the question of pneumatic tubes was discussed on the floor of the Senate at great length. I recall the fact that those who were opposed to the appropriation at that time agreed that they desired an investigation—that there should be a commission appointed or an investigation made by the Post-Office Department—in order that the people of this country, and particularly Congress, might know whether it was good or bad, and whether the pneumatic-tube service should be considered.

The Congress of the United States a year ago made an appropriation of \$10,000 for the purpose of investigating the feasibility and the advantages of pneumatic tubes for the transportation of mails in the great cities of this country. The Postmaster-General, by and under the instructions of that provision, appointed an expert commission, consisting of gentlemen throughout the country who were interested and advised as to this great question; and their report is found in the report of the Postmaster-General. Following that he appointed a citizens' committee, and following that we have the report of the Postmaster-General, based upon the findings of both the expert and the citizens' committees, favoring the continuation of the pneumatic-tube service in the cities of Boston, New York, Brooklyn, and Philadelphia, and advising its extension in those cities, and its advance to Chicago and St. Louis.

Mr. President, this was after a thorough examination and after the Congress had provided a sum of money to pay the expenses of such an investigation. The Postmaster-General comes here and says, in substance, without reading his report, that it would be

just as well and as advisable to discontinue the fast-mail service in the United States as to discontinue the pneumatic tube. I remember in his report he says it would be the greatest outrage that through special appropriations for special railway-mail facilities an hour or a half an hour should be gained thereby and an hour or two hours lost at the point of departure or at the terminus. I think one of the most forcible arguments in favor of the amendment now under discussion is that part of the Postmaster-General's report which is contained on the fourth page, which I will read:

The committee fully sustains the pneumatic method of mail transportation as a valuable and mechanically successful system, and gives effective illustrations of its importance to the business interests of the country in expediting mail communication.

In the city of New York, if I recollect rightly, about \$9,000,000 is paid into the Treasury of the United States through the postal service. The people of New York ask for the continuation of the present service, which costs less than one and a half per cent on the total revenue paid into the Treasury of the United States by that city. When the citizens of a city paying into the Treasury of this Government a sum like \$9,000,000 a year come and ask the Government to aid them to increase that amount from nine to eleven or twelve or twenty million dollars a year by giving them facilities for transmitting the mails, it seems to me, without any other argument, that alone should be sufficient.

In Philadelphia and Boston and Brooklyn we have the same condition, and the city of Chicago, which, under the present amendment, is to have the benefit of this system to a certain extent, pays something like \$6,000,000 a year, and the amount asked by the people who contribute the \$6,000,000 to the Government revenues through the postal service of this country ask less than 2 per cent on that amount, in order that they may increase the six million perhaps to twelve million or twenty million dollars a year. It is well understood by every man that when you increase the facilities for the transportation of mails or freight or passengers you increase, to a great extent, the revenues for such service; and so it is, if this service shall be given to the city of Chicago, as it ought to be given—for there is not, I understand, a more congested population in the United States than in the city of Chicago—the postal revenues will be increased.

The Senator from Illinois, who no doubt will address himself to this subject, will call attention to the difference between the time in which mail from the post-office in that city would be delivered under the present system and the time it would take to deliver it if the pneumatic tube shall obtain in that city. It is so remarkable that I doubt whether there is a man on the floor of the Senate who would stand up, after hearing that statement as to time, and oppose the amendment.

I have heard that in the city of New York there was a test within the last year between the pneumatic-tube system and the telephone system and the telegraph system by special messenger, and over both competitors the pneumatic tube conveyed a registered letter to the heights of Brooklyn from the heart of the city of New York and back more than an hour and a half sooner than a similar message was delivered by telephone or by telegraph. Of course that was with the understanding that the party to whom the messages were sent was in his office waiting to receive the special letter sent through the tube, by the special messenger by telephone, and by telegraph. Yet in that test it showed that an hour and a half was gained through the pneumatic tube.

Coming from the city of Wilmington this morning I had the pleasure to sit with a railway postal clerk, a man whom I have known for many years. The question of pneumatic tubes was discussed between us, and he called my attention to the conditions that obtain in the city of Philadelphia. I am not familiar with the number of trains, but he told me that through the pneumatic tube in the city of Philadelphia fifteen hours were saved by the mails that left the city of Washington arriving in Philadelphia on train No. 36 as to reaching their destination in western Pennsylvania; and he told me that what was true as to train No. 36 was equally true as to every mail train leaving this city and passing through this city from the South.

Mr. President, I believe and hope that the Senate will understand that the pneumatic tube for the transportation of the mails of this country is a new proposition, newer than the telephone, newer than the telegraph. It is one of those things that has come to stay, and if this country shall set its face against the adoption of the system in the great cities of this country and in cities where, under the report made by the Postmaster-General, the cost of the establishment and maintenance would not be more than 2 per cent of the postal revenues, it would be like setting its face against the great and swift railway mail trains and in favor of the old stage-coach system to which my distinguished friend the Senator from Illinois the other day referred.

I desire to call the attention of the Senate to what he said in his argument the other day—that many people are unadvised as to this great question. I think, if the report made by the Post-

master-General, the report made by the citizens' committee, and the report made by the expert committee were thoroughly understood by the members of the Senate, there certainly would be no objection to continuing the service in the four cities where it is now established, and to increasing it or extending it within reasonable bounds, and to giving the benefit of the same system to the city of Chicago; and certainly there is not in this country to-day a city that deserves such a system more than the city of Chicago.

Mr. President, with these brief remarks I desire to ask that the document I hold in my hand may be printed as a part of my remarks. It contains the report of the Postmaster-General and the reports of the expert and citizens' committees on this question.

The PRESIDING OFFICER (Mr. KEAN in the chair). Is there objection to the request of the Senator from Delaware? The Chair hears none.

The document referred to is as follows:

[Extracts from the official report of the Postmaster-General to Congress, dated January 4, 1901. Printed as House Document No. 289.]

PNEUMATIC-TUBE SERVICE.

OFFICE OF THE POSTMASTER-GENERAL.

Washington, D. C., January 4, 1901.

SIR: I have the honor to report the results of the investigation into the pneumatic-tube service for the transmission of mail, instituted in accordance with the provision of the act of Congress making appropriations for the service of the Post-Office Department approved June 2, 1900, as follows:

"For the investigation by the Postmaster-General of the cost of construction, operation, and utility of all systems of pneumatic tubes for the transmission of mail, including full details and maps, and any estimates and proposals as to cost of construction, as well as the cost of stations and their operation, and all facts bearing upon the use of said tubes in connection with the mail service, to enable Congress to determine whether the service should be owned, leased, extended, or discontinued by the Government, also the cost at which the Government may acquire existing plants or necessary patents, \$10,000."

The investigation was directed to be made in eleven cities, namely, New York, Brooklyn, Boston, Philadelphia, Washington, Cincinnati, Chicago, St. Louis, New Orleans, Denver, and San Francisco. In the hearings before Congressional committees 27 cities had made application for the pneumatic service, but it was not deemed necessary or expedient to make the examination in all, and the cities named were selected as fairly representative. After full consideration of the points to be determined and the practical method of reaching them, a careful plan of investigation was mapped out. It was provided that in each of the cities selected a preliminary examination should be conducted by the postmaster and the division superintendent of Railway Mail Service as to the cost, utility, and expediency of the pneumatic-tube service, and as to the advisability of its extension where it already exists, or of its adoption where it has not yet been tried.

The plan next contemplated a thorough scrutiny of the local reports by a first general expert committee representing the Department, who should visit the several cities successively with authority to employ local engineer experts, and should, in conjunction with the local committee, revise the preliminary inquiry, obtain estimates and proposals from pneumatic-tube companies, with plans and specifications of all proposed extensions, and prepare such reports and recommendations as could command the approval and sanction of the joint committees. Finally, it was directed that all of the reports and information thus collected should be submitted to the investigation of a second general committee composed of citizens and experts of national standing, wholly unconnected with the Post-Office Department and with the pneumatic-tube companies, men of such high business character, professional training, and practical experience as specially qualified them to pass upon all of the questions involved, and as certain to give weight and authority to their conclusions and recommendations.

The reports of these several local and general committees are herewith submitted to Congress, and they are commended to consideration as embracing a large volume of valuable information for the guidance of the legislative branch of the Government in acting on this subject. Attention is specially directed to the report of the second and final general committee, which was selected with great care with a view of securing an efficient representation of the best business, mechanical, and professional knowledge and experience. The chairman, Mr. Theodore C. Search, has for many years been president of the National Association of Manufacturers of the United States. Prof. Robert H. Thurston is director of Sibley College, Cornell University, first assistant engineer, United States Navy, and formerly professor of mechanical engineering of Stevens' Institute of Technology. Mr. S. Cristy Mead is assistant secretary of the Merchants' Association of New York, and especially recommended by that body. Mr. Alfred Brooks Fry is chief engineer and superintendent of repairs of United States public buildings, and Messrs. William T. Manning, Frederick A. Halsey, and Lyman E. Cooley are widely known as eminent consulting and mechanical engineers.

The report of this committee presents an intelligent and comprehensive answer to the inquiries embodied in the provision of Congress for the investigation. It reviews the exhibits and conclusions of the joint local committees and the first general committee representing the Department, and subjects their recommendations to the best tests of reasonable conditions and requirements which experience and practical wisdom can apply. It considers the feasibility and utility of the pneumatic-tube service as a permanent feature of the postal system; the conditions which should govern its maintenance and extension; the proper relation of cost to postal receipts; the ratio of expenditure which would be disproportionate to the benefits; the principles which should govern rental from private companies; the advantages of Government ownership, and the conditions under which it would be admissible and expedient.

It will be seen that the committee concludes that the cost of constructing a pneumatic-tube system, with full equipment and power plant, should not exceed \$60,000 per mile for a line of 10 miles, and that, with allowance for interest and taxes, for annuity to cover depreciation, and for net earnings at 3 per cent, but not including labor and power-operating expenses, the proper charge for annual rental would be \$65,761 for a line of 10 miles. Upon the assumption of Government ownership, the committee estimates that the annual charge would be \$39,725. It does not believe, however, that it would be wise to enter upon Government ownership until the system shall be further developed and material improvements shall be made. The system is capable of such improvements. It is yet, in some senses, in the experimental stage. Different devices, methods, and companies are coming into the field. None of these companies have yet offered better terms than the existing contractors, but the process of development is going on, and the committee believes that before the Government acquires possession it should have the benefit of the improvements certain to be made.

The cost at which Government ownership may be effected is not definitely determined, because it was impossible at this stage to secure proposals or terms of sale of existing or projected systems. The pneumatic-tube companies answered that without State legislation protecting their franchises which also covered commercial service, and without submitting the question to stockholders, they were not in a position to give figures for the disposal of the property. An approximate estimate may, however, be reached through the conclusion of the committee as to the legitimate cost of construction and the physical value of the system. This cost will decline as improvements shall be made, and governmental control may secure local concessions and advantages not attainable by private companies.

The final general committee fully concurs in the recommendations of the local and first general committees for the extension of the service in New York and Philadelphia; it favors the proposed addition in Boston of the tube connection between the post-office and the South terminal station, and it approves a limited application of the service in Chicago and St. Louis. It holds that where the ratio of cost to gross receipts does not exceed 3.1 per cent, the service is not only justified but expedient. In the cases named the ratio comes within the limitation. In all the other cases examined the ratio passes the limit, and the recommendations are, for this reason, disapproved. There is a broad line of demarcation differentiating the two classes of cases. The committee advises that before new contracts are made new bids should be required, with an exaction of the lowest terms obtainable. It also recommends that all new leases should be accompanied by an option of Government acquisition when the conditions should be favorable.

The committee fully sustains the pneumatic method of mail transportation as a valuable and mechanically successful system, and gives effective illustrations of its importance to the business interests of the country in expediting mail communication. While the cost is great, the demonstrable advantage is proportionately greater. Besides, there are good reasons for believing that its maintenance and moderate extension in the large cities will stimulate an increased business which will pay its cost. The committee believes that the expense is capable of reduction with the further progress of improvements, and it is unanimous in recommending the retention of the service as it now exists and its limited extension as specifically indicated.

In this view the Department concurs. In the great cities the pneumatic-tube service is too important and vital an agency of postal expedition to be abandoned. It is an instrumentality which, within reasonable limitations, has come to stay as a part of the modern system of communication. It can no more be discarded than the fast mail train. To strain every nerve to save half an hour or an hour on the railroad and then to waste half an hour which might easily be saved at the point of departure or destination would be incongruous and unwise. The fast mail train is employed only where the conditions justify it. And so the pneumatic-tube service is to be used only where in sound reason the importance and value of the result warrant it; but within these bounds, as the committee of eminent citizens shows, it is to be sustained.

The investigation intrusted by Congress to the Postmaster-General was conducted under the immediate supervision of the Second Assistant Postmaster-General, and I wish to express my appreciation of the ability and fidelity with which he discharged that duty.

I have the honor to be, very respectfully, your obedient servant,

CH. EMORY SMITH,
Postmaster-General.

The SPEAKER OF THE HOUSE OF REPRESENTATIVES.

[House Document No. 289, p. 26.]

Committee of experts say:

"The second and less apparent source of saving in time, although the one which is in most cases the more important of the two, is due to the fact that the service with wagons and street and elevated railways is intermittent, while the service with tubes is continuous. Except in New York, the most frequent present service between the general and the branch post-offices is that due to the hourly schedule of wagons. It is obvious that with wagons dispatched at hourly intervals a letter deposited in an office immediately after a dispatch of a wagon will be required to wait one hour for the next wagon, whereas with the tube service the letter would be dispatched immediately. Letters deposited at other intervals within the hour will be advanced correspondingly less, the average gain being obviously one-half of the schedule interval; that is, one-half an hour with the hourly service, one hour with two-hourly service, and so on, to which is to be added the gain due to the increased speed in transit.

"A corresponding gain occurs at the other end of the route. The arrival of a wagonload of mail fills the sorting tables, and a considerable interval elapses before all the mail is distributed and sent out for delivery, whereas with the continuous service of the tubes the mail is distributed as it arrives and no such delay occurs, thus avoiding the serious congestion which frequently occurs with the present service. In this case, as before, the average gain is one-half the time required to sort a wagonload of mail, though it is not possible to state the amount of this saving as definitely in minutes as at the dispatching office. It will be seen that this gain due to the continuous service of the tubes has no connections with the increased speed of the carriers in the tubes or with the distance between the stations connected by the tubes, but that it depends wholly upon the continuous service of the tubes.

"In the case of mail for out-of-town points the gain due to the continuous service must be considered in connection with the intervals between mail trains. If mails between two cities are dispatched at intervals of, say, four hours, it is clear that the expediting of the mail due to the tube service may enable a letter to catch a train which it would otherwise miss, and that its actual delivery to the addressee will be expedited by the interval between trains, or four hours. In the case of mail for distant points where the interval becomes, say, one day, the catching of a train which it would otherwise miss will hasten the delivery of a letter by an entire day.

"The same principle applies, whatever be the interval between successive mail services, and in the case of trans-Atlantic mails the gain may reach four days; in the case of trans-Pacific and South American mails, fifteen days, and in a few other cases an entire month, and this condition applies to outgoing foreign mails from all portions of the country. It will often happen that the catching of an earlier train will result in the arrival of a letter at its destination post-office at an hour which will permit its delivery the same day, whereas arrival by the next train, while still within business hours, may yet be so late as to prevent delivery until the next day.

"It will thus be understood that the gain due to the tubes in New York will in some cases hasten the delivery to an addressee in Buffalo, Pittsburg, and Chicago by twelve hours and in San Francisco by twenty-four hours."

[House Document No. 289, pp. 27 and 28.]

Committee of experts say:

"It is clear that whereas all local letters are thus hastened in delivery by the tubes only a portion of the through mail is thus hastened. As an indication of the amount of through mail thus hastened, the postmaster at New York states that 20,000 outgoing out-of-town letters per day are thus advanced by one dispatch. The corresponding number given by the postmaster

at Brooklyn is 10,000, by the postmaster at Philadelphia 30,000, and by the postmaster at Boston 10,000 per day.

"Similar gains are made in the distribution of mail arriving from out of town. The Chicago local committee caused a count to be made for September 25, 1900, of the number of pieces of arriving first-class mail which would be advanced were the tubes in service between the railroad depots and the general post-office, the result being 63,600 pieces per day which would be advanced one delivery. The same committee found by count that tube service between the general post-office and the branch offices would advance 100,000 letters per day one delivery, or by approximately one and one-half hours.

"It being clear that the effect of the tube service is to quicken the delivery of all local mails by a certain amount of time and to quicken the delivery of a portion only of the out-of-town mails by much larger amount of time, and in order that the cost of the tube service may be compared with its value in connection with both through and local mails, we have given further on a comparison of its cost with the postal receipts from various cities, both for all classes of through and for first-class local mail matter.

"Other advantages of the tube service are less easily estimated in value, although no less real. Chief of these is the certainty of the service and its safety from interruption. The postmaster at Boston testifies that during and after a violent snowstorm, when street traffic was virtually suspended, the delivery of mail through the tubes proceeded without interruption.

"Somewhat similarly the copies of the New York Herald of a certain date intended to be expressed west and south could not be gotten to the Pennsylvania Railroad depot by wagon in time for their train because of a snowstorm. They were, however, gotten to the Madison Square branch post-office and sent thence to the general post-office through the tubes, thence to the depot by wagon, and were put on the usual train, thus saving an entire day in final delivery.

"It is clear also that the tube service possesses the same safety from interruption due to the presence of parades and other street demonstrations, as well as during fires, riots, and other possible public disturbances, and from depredations.

"It seems reasonable to your committee to expect that the quickened service due to the tubes will lead to an increased use of the mails for local special-delivery service. It is well known that in the larger cities a large business is done by the telegraph and messenger companies in handling local correspondence, although their charges for this service are materially higher than for special-delivery mail matter. The experience in New York has shown in the districts now covered by the tubes, and within a reasonable radius from their terminals, that special-delivery letters arrive at their destinations much quicker than is possible with the district messengers and considerably quicker than is possible with the telegraph. Ordinarily increased facilities of any kind must create new business before a profit can be returned upon them; but in this case a large mass of business is already in existence, which it seems reasonable to expect will be diverted to the postal department as soon as a quickened service gives the necessary dispatch and the public becomes acquainted with the bettered service."

[House Document No. 289, p. 39, sec. 10.]

Committee of experts say:

"This committee finds the pneumatic method of mail transmission a novel, a valuable, and a mechanically successful system, ingeniously elaborated and practically adapted in an admirable manner to the purposes of the Post-Office Department."

[House Document No. 289, pp. 63 and 64.]

New York local commission says:

"NECESSITY OF THE PROPOSED SERVICE.

"The necessity for the proposed service is considered to be evident from the foregoing testimony regarding the immense amount of important first-class matter requiring daily transmission through the city, coupled with the fact that the pneumatic tube provides a speed of transmission of about 30 miles per hour, in contrast with the present speed on surface lines of 6 miles an hour or less.

"This gain is much more apparent in widely separated centers than it is for adjoining districts, although, even in the last-mentioned cases, it is too important a gain to forego.

"The present time of transmission from the general post-office to Branch J, via the elevated-railroad service, where a speed of 12 miles an hour is available, is fifty-three minutes. The time by the tube would be about seventeen minutes.

"Another appropriate instance to cite would be the transmission of mail in the greater city, including Brooklyn, taking widely separated centers, such as Branch J in the borough of Manhattan, and Branch B in the borough of Brooklyn, a distance of 12.39 miles. The intervening territory between these points is all thickly settled. The time of transmission otherwise than by pneumatic tube is as follows:

	Minutes.
Branch J to New York general post-office.....	53
New York general post-office to Brooklyn general post-office.....	27
Brooklyn general post-office to Branch B.....	19
Total.....	99

"The time of the tube would be as follows:

	Minutes.
Branch J to New York general post-office.....	17
New York general post-office to Brooklyn general post-office.....	3
Brooklyn general post-office to Branch B.....	6
Total.....	26

"Here we find a gain of sixty-three minutes, over one hour, in transmission.

"Cases could be cited at the present time where it is impracticable for a person to mail a letter in a street letter box in the morning and receive a return reply the same day in the thickly settled limits of the greater city.

"The pneumatic-tube service is regarded as essential to improve this regrettable condition, because there is no other apparent means by which the time in transmission can be reduced.

"It is found that every step that has been taken to accelerate the transmission and delivery of local first-class mail has been immensely profitable to the Department. This class of mail is exempt from the charge for domestic transportation, which takes up about 55 per cent of the entire postal revenues, and is therefore very profitable to the postal service. It is calculated that on the basis of 40 per cent of all first-class matter originating in New York being for local delivery (and this percentage is well verified by frequent tests) there is a profit to the Government from first-class matter in New York City of local origin and for local delivery of nearly \$1,800,000 per annum.

"Any additional steps that are taken to increase the facilities by means of

pneumatic tubes for the transmission of mail, and of increased collections and deliveries, must not only be of great assistance to local commerce, but also render a large profit to the Government to sustain the postal service in Western and Southern parts of the country, where it is performed at a great loss on account of the distances to be traversed."

[House Document No. 289, pp. 16 and 17.]

Committee of experts say:

"New York.—The joint committee discusses a proposition for the installation of 18 miles of new line, at a cost of \$925,000, and assumes a five-year contract. The rental proposed is \$398,500 annually for the new and the continuance of existing tube service. A mixed mail and commercial service had been suggested, but this the committee does not consider permissible. The proposition involved the connection of 21 stations and the main office. The figures of \$398,500 included all costs of operation. The reasonableness of this figure is considered to be outside the province of the committee and to be determinable only by engineering experts.

"In detail this amount consists of \$130,000 for power; \$60,000 for wages of station operators; \$18,500 for local taxes, and \$184,500 for interest, renewals, and administration and incidental expenses.

"The present service of 5.18 miles in that city costs \$167,160, or \$33,420 per mile per annum. The estimates for the total extended service is stated as \$398,500 for 23 miles, or \$17,326 per mile per annum. This is 54 per cent of the present mileage charge.

"Possible economies incidental to the use of the pneumatic system as proposed, as by reduction of wagon service, elevated railway service, and incidental savings, are reckoned at \$101,052; gains by stimulated correspondence and postal business, and by reductions of charges for special deliveries from 8 to 5 cents, \$24,000; by reductions of cost of delivery, \$18,000; by reduction of clerical force, \$15,000; total, \$158,052.

"The net increase of costs is reckoned thus as \$75,348, which amounts to but 6 per cent of the net local revenue of the New York office." On this basis the joint committee recommends to the Department that the proposed extension be undertaken."

[House Document No. 289, pp. 57 and 58.]

The New York local commission says:

"ADVANTAGES OF TUBE SERVICE IN COMPARISON WITH OTHER SERVICE.

"The first and most important advantage of the pneumatic-tube service in comparison with other service is its speed. The distance between the general post-office and Branch H is 3.44 miles, and the time allowed by wagon trips between the two points is forty-five minutes, or at the rate of 4½ miles per hour. The wagons convey the paper mail between these points and intermediate branches, and previous to the establishment of the pneumatic tube the letter mail was mainly conveyed by street-car service.

"The time in transit by means of the street-car service was twenty-nine minutes for the street-car and twelve minutes for messenger service at the general post-office and Branch H, to and from the cars, making a total of forty-one minutes. The time occupied in transmission by the tube is nine minutes (or at the rate of 29 miles per hour), and it has been made in a little over seven minutes.

"If we make the comparison for letter mail alone, we compare the tube time (nine minutes) with the former street-car time (forty-one minutes), showing a gain of about 80 per cent in time for each trip.

"Between the general post-office and Branch F, a distance of 0.71 mile, both letter and paper mail were carried by wagon, and the transit time was fifteen minutes—a speed of less than 3 miles per hour. The transit time by the tube is one and one-fourth minutes, a speed of nearly 33 miles per hour, or a reduction of 91 per cent.

"Between the New York general post-office and the Brooklyn general post-office, a distance of 1.65 miles, both letter and paper mail were conveyed by wagon; time in transit, twenty-seven minutes, or at a speed of 3½ miles per hour. The transit time of a carrier through the tube is three and one-tenth minutes, or at the rate of over 31 miles per hour, or a reduction of 88 per cent.

"In addition to the advantage of speed, there is also a saving in time by doing away with messenger service between the post-office or branch post-offices and the cars, and the saving in time which arises from congestion at the doors of the post-office, where it is frequently necessary for mail wagons to wait to be unloaded because of other wagons arriving at the same time, or because of the arrival of wagons containing second-class mail matter from the publishers.

"There are also the incidental and minor advantages of exemption from street blockades or slow travel, due to heavy snow falls, etc.; and further, the better protection to the mail, because of its being less liable to depredation en route. These advantages, while comparatively subordinate to the item of speed, are certainly well worthy of mention.

"Another very great advantage for important first-class matter, and especially special-delivery letters, is the availability of the tube for immediate dispatch. Before the establishment of the tube, the frequency of dispatch between branch stations was on the basis of a trip every half hour during the greatest portion of the day. Since the tube has been in operation, the urgent first-class matter, such as special-delivery letters, and also any made-up packages of letters from the post-office or in transit, which do not require to be sorted, are transmitted immediately through the tube.

"While believing that the chief function of the pneumatic tube for mail transmission is to connect the general post-office and branches in cities where the surface traffic is necessarily at a low rate of speed, yet we can not overlook the advantage which occurs in certain cases in connecting the general post-office and branch post-offices with railway stations, especially where there is a considerable distance between the two points. The letter mails forwarded to the New York Central and New York, New Haven and Hartford railroads, running out of the Grand Central Station, have been greatly advanced by using the tube from the general post-office to Branch H, which immediately adjoins the Grand Central Depot. The time allowed to mail wagons between the general post-office and the Grand Central Station is forty minutes, while the tube gives us a trip of nine minutes.

"The full difference is not yet availed of, because of the allowance at Branch H of fifteen minutes margin for wagons between there and the Grand Central Depot. Changes are now in progress, however, at the depot, which will very much reduce this time, probably to five minutes. When we consider, however, that after the wagon arrives at the depot, a certain margin is necessary to get the wagon to the postal car and getting it ready for unloading, it seems fair to make the comparison between the two methods on the basis of time in transit, this showing a gain of thirty-one minutes for supplementary closes to all trains. It is computed that these supplementary closings have advanced about 20,000 letters a day."

*NOTE.—Apparently error in printing report. Net revenue of New York city post-office (1899) was \$5,500,000; hence increased cost is but 1½ per cent, approximately.

[House Document No. 289, p. 66.]

New York local commission says:

"Our conclusion is, therefore, that the local mail service in the city of New York is in need of this method of quick transmission; that the importance of the city and its business fully warrants the extension, and that the result will be profitable to the Post-Office Department, provided the pneumatic-tube service is performed at a reasonable rate per annum.

"The further question as to what is a fair rate, and the important question as to whether the service should be performed by contract or by the Post-Office Department acquiring the plant, patents, and franchises of the existing companies, must be left to the recommendation of the joint committee, after expert testimony has been obtained, and the estimate of the Tubular Dispatch Company has been verified.

"C. VAN COTT,

"Postmaster, New York, N. Y.

"V. J. BRADLEY,

"Superintendent Railway Mail Service, Second Division."

[House Document No. 289, pp. 192, 193, 194, and 195.]

Chicago local commission says:

"In considering the advantages to be secured by the introduction of the pneumatic-tube service in Chicago, account has been taken of the quicker time in transit between the postal stations to be connected and the general post-office. To place this in concrete form, attention is invited to the table given herewith, showing the present service, its frequency, and the time in transit, as compared with the tube service.

"Following is the table:

	Distance.	Present running time.	By tube at 30 miles an hour.
	Miles.	Minutes.	Minutes.
General post-office to—			
Board of Trade station	0.72	13	1½
Station U	1.28	25	2½
Armour station	3.10	43	6
Stock Yards station	5.77	54	11½
Twenty-second street station	2.10	30	4
Chicago and Northwestern depot91	28	1
Illinois Central depot	1.20	25	1½

"The tube service will also secure the simultaneous delivery of mail at all of the postal stations connected, which, by the present methods, is impossible, owing to the distance from the center or the base of supplying the large mails originating in Chicago or arriving in the city by railway trains. The continuous receipt of mails at the postal stations to be connected will also enable the clerical force to complete the distribution of the mails to better advantage than under the present system, which causes it to be received in large quantities at periods varying in time from one to two hours. The accumulated mails received at such periods must be distributed quickly in order to allow the delivery by carriers soon thereafter, and a maximum of clerical force must therefore be provided at the postal stations to handle the accumulated mail. The estimate of gain in the clerical force secured by the tube service may be roughly stated at \$18,000 per annum. This reduction has been applied in reducing the proposition submitted by the Chicago Pneumatic Service Company from \$66,118 to \$48,118.

"The saving in the wagon transportation service pointed out by the local committee in their preliminary report is estimated to amount to probably \$10,000 per year, this including such of the present service between the general post-office and the three railway depots connected and also eliminating such of the transfer service from one depot to another as may be discontinued by connecting such mails by the tube service via the post-office.

"The rearrangement of the carrier service by placing in operation postal stations at the Chicago and Northwestern depot and the Illinois Central depot and at Thirty-first and Halsted streets, which is made possible by the installation of pneumatic-tube service, would effect a saving in the time of letter carriers and the fares paid for their transportation of about \$10,000 per year.

"The rearrangement of the street railway postal service, eliminating one of the South Side routes and curtailing the West and North Side routes to terminate at the Union and Northwestern depots, would, it is believed, effect a further saving of \$5,000.

"The establishment of postal stations in the Northwestern and Illinois Central depots, similar to the Union depot postal station, will allow of the discontinuance of the greater number of pouches now made at the general post-office, to be transferred instead to the depot postal stations. The duplication of direct pouches to be connected via the railway trains will also be prevented by the establishment of the depot postal stations. It is believed that the force of clerks now engaged in pouching such mail at the general post office can be transferred to the three depot postal stations and perform the same duties without materially increasing the force required for that purpose.

"The saving effected by eliminating the duplicate pouches now made at several different stations and by several of the arriving railway post-offices can not be estimated definitely, but that it is important is true, when it is considered that the weight of the equipment used in transporting mails approximates something about 50 per cent of the total weight paid the transportation companies.

"It is also believed that the introduction of the pneumatic-tube service in Chicago will, by an arrangement with the Railway Mail Service, secure the adoption of a special pouch to be used only by and for railway post-office trains exchanging mails with the pneumatic tube terminals, these pouches being of a size to be inclosed in the tube carriers, thus avoiding the repacking of the mails for handling from one branch of the service to the other, which consumes time and requires labor for repacking.

"Reference has been made to the benefits to be secured by the special-delivery service, and it is undoubtedly true that this class of mail would receive the greatest benefits from the introduction of the pneumatic-tube service, as the time required for the delivery of such matter would equal or excel the time made by the telegraphic or district-telegraph service. It is not unreasonable to assume that this class of matter would increase fully 100 per cent within a year or so of the introduction of the tube service.

"The profit to the Government from the special-delivery service at present is 20 per cent per annum of the face value of the stamps, the balance of the face value of the stamps being paid to the delivery messenger. A count of the special delivery mails in the districts of the postal stations proposed to be connected by pneumatic-tube service shows that the yearly business at such stations approximately amounts to 200,000 pieces per annum. The profit to the Government on the 20 per cent basis of this amount of business would be \$4,000. If the delivery fee could be reduced from 8 cents to 5 cents per letter

in the postal districts served by pneumatic tubes, because of the expected large increase in that business, the profit received by the Department on the estimated business over the present profit will approximate \$10,000 per annum; and we see no reason why such profit should not be considered as an offset of this amount to the cost of the proposed tube service.

"At the present time 106 special-delivery messengers are employed in Chicago, and of this number nearly 80 per cent obtain the maximum pay of \$30 per month. The increase of the business in the pneumatic-tube districts would enable each delivery messenger to take out a greater number of letters on each trip than is furnished him at the present time, thus enabling the messenger to still receive the maximum pay of \$30 per month. The area attached to each postal pneumatic-tube district is limited as compared with many of the postal districts in Chicago and where a reduction in the fee from 8 to 5 cents can be recommended. This reduction in fee would be impracticable in many of the other districts, because of the distance to be traveled by the messengers in making their delivery.

"If it were possible to realize the economies enumerated above, it would be seen that the establishment of the pneumatic-tube service in Chicago would increase the expenditures for transportation service in Chicago by about \$30,000, which is less than 2 per cent of the net surplus turned over by the Chicago post-office for the last fiscal year.

"Respectfully submitted.

"J. M. MASTEN, Chairman,

"E. W. ALEXANDER,

"Superintendent Mails,

"J. A. MONTGOMERY,

"Superintendent Mails,

"General Committee.

"CHARLES U. GORDON, Chairman,

"E. L. WEST,

"Superintendent Railway Mail Service,

"Local Committee."

[House Document No. 289, pp. 211, 212, and 213.]

St. Louis commission says:

"A favorable recommendation for the installation of pneumatic-tube service is reached after a careful consideration of the requirements of the mail service in this city, and the necessity for a considerable improvement therein in order to keep pace with the growth and importance of the city, which is sufficient, aside from the gain in the time of the transit of the mails upon the routes to be covered by the pneumatic tube. Providing efficient facilities for the transaction of the mail business in the large cities has invariably resulted in a large increase in the first-class mail, the most profitable of the different classes, and it is our belief that the establishment of the pneumatic-tube facilities in this city will show more than the usual increases in the first-class mail. The gain in the special-delivery mail, it is conceded, will be very large. The records show that for the year ending June 30, 1900, 84,950 pieces of special-delivery mail were delivered in this city. Of this number, about 20,000 pieces originated within the city. This showing for the population of the city does not indicate a full development of this class of service. With the added facilities secured by the tube service, it is not unreasonable to assume a growth equal to 100 per cent within the next year or two.

"The principal gain in the installation of pneumatic-tube service is expected from its greater speed over what can be secured by the wagon or street-car service. The time from the general post-office to the Union depot by mail wagon is twenty-five minutes; by tube it will be two and two-thirds minutes, a gain of twenty-two and one-third minutes. The time from the Relay depot at East St. Louis to the general post-office, St. Louis, by way of the Union depot, is fifty minutes; the time by tube will be about four minutes, a gain of forty-six minutes. There will be a corresponding gain in the time of mails exchanged with the Arsenal and Bremen stations, except that the time by tube will be about five minutes to each, while the present time by street car is twenty minutes.

"The gain in time secured by the pneumatic-tube service, even though it may amount to only a few minutes, is sufficient in many cases to secure an advanced delivery by carrier, and in effect means a gain of two or three hours. When this applies to mails due in the afternoon, the securing of a delivery the same day means a gain to the business man or patron of the office of fifteen hours in the delivery of his mail.

"Among the other advantages secured by the pneumatic-tube service is the continuous arrival of mails at the stations, allowing the handling of them by the office force in smaller quantities than when arriving by wagon or street-car conveyance, which can not be scheduled oftener than hourly without undertaking an enormous expense. The continuous arrival, therefore, means that a greater efficiency can be had from the clerical force, and that their work, being supplied continuously, can be covered by a less force than when the accumulated mails arrive at less frequent periods.

"The gross revenue of the St. Louis post-office for the year ending June 30, 1900, was \$1,924,455 per annum, and the net amount turned over to the Department \$1,231,632. The local mail of the city of St. Louis amounts to 25.7 per cent of the whole, which indicates a net revenue on the local business of \$320,000 per annum. The cost of the proposed tube service will amount to about 34 per cent of the net profit on the local business. Comparing this with the present cost of the transportation service in the city, which amounts to \$54,352, it indicates, of course, a considerable increase, but it must be borne in mind that the transportation service has been conducted upon a very reasonable percentage of the total business and also upon about 17 per cent of the net profit on local business.

"We forward herewith statistics of the amount of mail to be transported by the system of tube service recommended, and an examination of it will show—

"That the mails to be transported daily by the tube between the general post office and Union Depot amounts to 221,150 letters outgoing and 219,300 incoming;

"To the terminal station, located in Union depot, 8,000 letters outgoing and 4,850 incoming;

"Between the general post-office and Relay depot, outgoing 146,900, 113,000 incoming;

"Between the Vandeventer station and intermediate stations, 38,100 letters outgoing, 94,800 letters incoming;

"Between the general post-office and Bremen station and intermediate stations, 90,350 outgoing and 92,200 incoming;

"Between the general post-office and Arsenal station and intermediate stations, 39,350 outgoing and 104,000 incoming.

"It is also stated by the local officials in this city that the rearrangement of the delivery and collection service by reason of the establishment of pneumatic-tube service the quantities of mails carried by pneumatic tube will be considerably increased.

"The committee has considered the question of possible economies that may result from the establishment of pneumatic-tube service and the change in the facilities existing for the transportation of mails, but find it impossible to exactly state the amount of such economies. It is quite evident that the first-class mail can be transported by the tube service recommended, and that only the extreme bulky and heavy mails will need to be

provided for by wagon or street-car conveyance. The wagon service to the Union depot at present is costing \$20,890 per annum, and it is safe to assume that 50 per cent of this expense could be discontinued by the tube service, and of the expense for street-car service, \$25,832, an equal percentage can be discontinued.

"It is the expectation of Postmaster Baumhoff that the changes in the street-car service will enable him to rearrange the mileage discontinued in portions of the city where the present facilities are inadequate, using the tube terminals at the Vandeventer, Bremen, and Arsenal as the points from which the street postal-car service will receive and dispatch mails for the territory adjoining. It should be borne in mind that there is at present \$3 letter-carrier branch post-offices, and the difficulty of supplying this number of branch post-offices is so great, they being distributed over a large territory, that a comparatively large mileage by street-car service must necessarily be retained. The mileage discontinued in the pneumatic-tube district, and which we regard as a saving, will in effect be used in other portions of the city as an improvement, thus taking the place of additional allowances for such improvements in the additional territories.

"If it should be found that the entire mileage of pneumatic-tube service could not be allowed for the city of St. Louis in any one year, preference is expressed for the service connecting the general post-office with the Union and Relay depots as being the most important, the service connecting the general post-office and the Broadway branch post-offices north and south as the next most important.

"Respectfully submitted.

"J. M. MASTEN.

"Chairman.

"E. W. ALEXANDER.

"STILL P. TAPT.

"Superintendent Railway Mail Service.

"F. W. BAUMHOFF,

"Postmaster."

Provided, That the annual pneumatic-tube rental shall not in any case exceed the rate of \$12,000 per mile, including the cost of operation, nor shall any contract for such service be made to extend for more than one year: *Provided further*, That of the amount herein appropriated, \$80,000 shall be reserved by the Postmaster-General for service in Chicago and St. Louis and connection with East St. Louis when pneumatic tubes become available in those cities.

The Postmaster-General is directed to investigate and report what, if any, extra charge should be made by the Government to the citizen for the use of pneumatic tubes.

Mr. TELLER. Mr. President, I desire to raise a question of order on the amendment. I should like to have the attention of the Senator who is charged by the Senate with deciding these questions.

There are two objections, in my opinion, to this amendment. It is general in its character, and is general legislation.

For transportation of mail by pneumatic tube or other devices, by purchase or otherwise, for maintenance and extension in cities having the system, etc.

If the Chair will look at line 5, he will see there is a provision that does not touch simply the appropriation of the money. It is not a provision for this year, but it is a provision for all time.

Provided, That all contracts hereafter to be made shall first be advertised publicly for proposals in the manner now provided by law for advertising contracts for carrying mails, and shall only be made after and upon the approval of a board of three engineers, one of whom shall be appointed by the Secretary of the Treasury from the Treasury Department, etc.

That is not simply a direction as to the expenditure of this money, but it is a general provision of law.

Mr. MASON. If the Senator will allow me, that point of order was made yesterday.

Mr. TELLER. I wish the Senator would let me get through with the point of order, and he can be heard then.

Mr. MASON. All right.

Mr. TELLER. I will repeat what I have said. The first provision here is general legislation. It does not pertain to the expenditure of this appropriation. This appropriation is limited to a year by the general law, and this provides that all contracts hereafter to be made shall be made in a certain stipulated way, which is not now the law. It is not a simple direction as to the expenditure of the money under this particular contract.

On page 2 there is another provision:

That all contracts hereafter to be made shall contain a stipulation that the United States may acquire by purchase any system constructed, etc.

That goes beyond the general rule. If it shall be said, as the Senator from Illinois will say when he gets the floor, that it was decided by the Senate yesterday, I want to call attention to the fact that the amendment is not in order under this rule of the Senate:

RULE XVI.

* * * * *

All amendments to general appropriation bills moved by direction of a standing or select committee of the Senate, proposing to increase an appropriation already contained in the bill, or to add new items of appropriation, shall, at least one day before they are considered, be referred to the Committee on Appropriations, and when actually proposed to the bill, no amendment proposing to increase the amount stated in such amendment shall be received.

The amendment offered to the bill by the Senator from Illinois has never been referred to the Committee on Appropriations, which, in this case, means the Committee on Post-Offices and Post-Roads, I suppose. Otherwise it would be meaningless. I have no doubt that the Committee on Post-Offices and Post-Roads, having been charged with this power, comes within the meaning of the rule as the committee to which it should have been referred. This is not a mere technical question. The Committee on Post-Offices and Post-Roads, when they reported the bill to the Senate,

were discharged from any further consideration of the subject. They had no further jurisdiction. They could not come in here with an addenda, with a supplemental report. They had got their jurisdiction by this bill being referred to them by the Senate. They got jurisdiction of any question touching this bill if it was referred to them by the Senate. If the amendment of the Senator from Illinois had been referred to them yesterday, they would have had jurisdiction of the subject. They now have no jurisdiction of this subject. Therefore, it is not in order for them for that reason. It is no more in order than it would have been if I had moved the amendment this morning—not a particle. I do not desire to elaborate this matter.

The PRESIDENT pro tempore. The first point made by the Senator from Colorado the Chair overrules, instructed to do so by a vote of the Senate yesterday where precisely the same provisions were in the amendment. The second point of order the Chair feels obliged to sustain, unless it can be shown that this amendment, or an amendment which might reasonably be a foundation for this, was referred to the Committee on Post-Offices and Post-Roads on some former day.

Mr. CHANDLER. May I ask the Chair a question? Is it not in order for any Senator to move an amendment for an appropriation which is estimated for by the head of a Department?

The PRESIDENT pro tempore. It is.

Mr. MASON. I have the estimate here.

Mr. CHANDLER. The Senator from Illinois has been trying for some time to give that estimate, and the Senator from Colorado would not let him do it.

Mr. TELLER. I do not understand it is estimated for.

Mr. MASON. I will produce the estimate.

Mr. TELLER. The Secretary of the Treasury is the man through whom estimates come.

Mr. CHANDLER. The Senator from Illinois asked permission of the Senator—

Mr. TELLER. I ask the Senator to wait just a moment. The Postmaster-General does not make any estimate. He estimates to the Secretary of the Treasury what he thinks ought to be done, and the Secretary of the Treasury is the man who makes the estimate, and the only estimate. Now the Senator from New Hampshire can proceed.

Mr. CHANDLER. I was going to say to the Senator from Colorado that the Senator from Illinois asked permission to interrupt him to put in the two letters, which, if they had been put in, would have saved this debate, I think.

Mr. MASON. I do not find them here.

Mr. CHANDLER. I will state what the fact is if the Senator does not have the letters. He had them this morning.

A year ago an estimate was made of \$500,000. It was sent to the Treasury Department. A letter was written later by the Postmaster-General, in which he stated that as an investigation was being made of the subject the estimate need not then be sent to Congress. Later the Postmaster-General requested the Secretary of the Treasury to make the estimate, and the Secretary of the Treasury wrote a letter submitting it. The Senator from Illinois has the two letters somewhere.

Mr. ALDRICH. Was that last year or this year?

Mr. CHANDLER. This year.

The PRESIDENT pro tempore. If the Senator from Colorado will examine the rule he will find that the last clause of it is—

Or proposed in pursuance of an estimate of the head of some one of the Departments.

While it may be usual for the Secretary of the Treasury to submit the estimates, yet the rule clearly authorizes an estimate from the head of some one of the Departments.

Mr. TELLER. I do not know why that was put in the rule, but this is the law. The head of every Department submits to the Secretary of the Treasury estimate for his Department—he is required to do so by law—and the Secretary of the Treasury cuts them down, if he sees fit, and there is no remedy given to the head of any other Department. To that extent he is charged with looking after these interests of the Government as no other Department of the Government is.

Mr. HALE. I suppose, if the Senator will allow me, the practical operation and the intention of the law is—and that is what the rule, I take it, is based upon—that it must be made by the head of a Department, but it can never reach Congress as an estimate unless it is submitted by the Secretary of the Treasury, who transmits the letter of the head of the Department and recommends its adoption by Congress.

Now, it does not need to be necessarily in the Book of Estimates, because the Secretary of the Treasury transmits from time to time subsequent estimates for one object and another in single and distinct letters.

In this case, if here is an estimate by the head of a Department that is transmitted to Congress by the Secretary of the Treasury, that makes it an estimate.

Mr. CHANDLER. That is the exact fact.

Mr. HALE. If the Senator has those two letters he has undoubtedly an estimate, but no head of a Department can directly communicate to Congress and make it an estimate.

Mr. CHANDLER. Let me state exactly the fact.

Mr. HALE. The letters will show.

Mr. CHANDLER. I am sorry the Senator from Illinois has lost the letters.

Mr. HALE. The letters will tell their own story.

Mr. CHANDLER. A year ago in January the estimate was sent to the Treasury Department, but it did not go into the Book of Estimates last fall because the Postmaster-General requested that it should not go in. But in January of this year he renewed his request to the Secretary of the Treasury, and the Secretary of the Treasury made a communication to the chairman of the House Committee on Post-Offices and Post-Roads.

Mr. HALE. I do not know that that would constitute an estimate. The Secretary should send it to Congress, which makes it an estimate. I do not know whether a private letter—

Mr. CHANDLER. It was not a private letter. It was an official communication by the Secretary of the Treasury to the chairman of the committee, stating that, at the request of the Postmaster-General, the Treasury Department estimated \$500,000 for this service. That is the way I read the letter.

Mr. WOLCOTT. I ask for the reading of any correspondence that there is on the subject.

The PRESIDENT pro tempore. The Chair has sustained the second point of order made by the Senator from Colorado, and there is nothing before the Senate.

Mr. WOLCOTT. Then I ask that we proceed with other amendments of the bill.

Mr. MASON. Mr. President, I desire to be heard on this matter. There is an evident intention here—

The PRESIDENT pro tempore. There is no amendment pending now.

Mr. MASON. I have the floor, however, and I wish to be heard. I was recognized.

The PRESIDENT pro tempore. The Chair only desired to convey the information to the Senator, and not to interrupt his speech at all.

Mr. MASON. I move to refer the amendment. I understand the Chair has ruled out of order the amendment offered by the committee this morning.

The PRESIDENT pro tempore. The Chair has ruled it out of order on one point.

Mr. MASON. Then it is out of order altogether.

The PRESIDENT pro tempore. Not—

Mr. MASON. Do I understand that if I can produce the estimate of the Postmaster-General the amendment is still in order?

The PRESIDENT pro tempore. The Chair will not rule upon that until he is required to do so, but it is impossible to have any ruling in relation to it without an amendment being before the Senate. The Senator can offer the amendment.

Mr. CHANDLER. Mr. President, these two letters were read at a meeting of the Committee on Post-Offices and Post-Roads this morning.

Mr. HALE. Let them be read here now.

Mr. CHANDLER. Exactly. They were read this morning. I supposed the Senator from Illinois had them. I think when they are produced it will appear that my statement was an accurate one. Of course, I am not responsible for the fact that the Senator from Illinois has mislaid them. They can not be found in the committee room and they are not here. But it seems to me it would be nothing more than courtesy to the Senator from Illinois—I ask it not for myself—that those letters should be produced before an amendment which is as clearly in order as this is should be ruled out.

Mr. MASON. I beg the Senator's pardon; I am not asking for courtesy. I have not received it and I do not expect it. I desire to offer the amendment which has just been read, presented by the Senator from Montana [Mr. CARTER] from the committee, and I ask to have it referred to the Committee on Post-Offices and Post-Roads. I ask to have it printed and referred.

Mr. WOLCOTT. The Committee on Post-Offices and Post-Roads seems to be a continuous performance and—

Mr. MASON. That is owing to the position of the chairman.

Mr. WOLCOTT. We can meet now, but if I am to abandon this bill I shall ask the Senate to take a recess. I do not know what else I can do. Or I can go on with the bill.

Mr. ALDRICH and Mr. TELLER. Let us go on with the bill.

Mr. HALE. Let us take up other amendments.

Mr. MASON. We can go on with the bill. I am prepared to go on with it. I ask to have the amendment printed and referred to the Committee on Post-Offices and Post-Roads. It is usual to have such action allowed without objection.

Mr. PETTIGREW. I ask for the regular order.

Mr. THURSTON. Mr. President, it is quite evident that this bill will take a great deal of time—

Mr. MASON. I should like to have my motion disposed of.

Mr. THURSTON. I ask for the present consideration of the conference report on the Indian appropriation bill.

Mr. MASON. I am entitled to have my amendment referred. I have asked to have it printed and referred to the Committee on Post-Offices and Post-Roads. It is the customary request, and we hear no objection to it.

Mr. WOLCOTT. I want to go on with the bill.

The PRESIDENT pro tempore. Under the statement made by the Senator from New Hampshire [Mr. CHANDLER] on the floor of the Senate, that there has been an estimate made for this expenditure, communicated in the proper way from the proper authority, that would make the amendment in order.

Mr. WOLCOTT. I should like to see the correspondence.

Mr. HALE. I do not understand that the Senator from New Hampshire has stated of his own knowledge that there is such a transmittal by the Secretary of the Treasury as makes this an estimate. He says there is a letter from the Secretary of the Treasury to the chairman of the committee.

Mr. WOLCOTT. Not to the Senate or House, but it is to Mr. LOUD, as I remember. I should like to see the letter.

Mr. HALE. It is a letter to the chairman of the committee of the House. That does not make it an estimate.

Mr. TELLER. It is not a letter to the Senate or the House?

Mr. HALE. It is not to Congress. It is undoubtedly a personal letter, and even that has not been produced. But the Senator from New Hampshire was very guarded in his statement. He did not state that it was such a letter as would make it an estimate within the meaning of the rule. I do not think we ought to assume for a moment that it is within the rule until we see the letter itself and find what is in it.

Mr. CHANDLER. Now, let me state a little more accurately my recollection of the two letters that were upon the table of the committee this morning. One was a letter from the Postmaster-General.

Mr. HALE. To whom?

Mr. CHANDLER. To the Secretary of the Treasury, written about a year ago, stating that he had submitted—

Mr. HALE. Written a year ago?

Mr. WOLCOTT. I understand that the letters are here.

Mr. CHANDLER. I do not think the Senator from Illinois has found them yet. The papers of the committee have been a little confused in the last twenty-four hours.

Mr. HALE. I should judge so.

Mr. WOLCOTT. I desire to interrupt the Senator long enough to state that the letters were never for a moment in the custody of the committee. If they had been, we would have had them here instead of this hearsay testimony. At the Department you can get a copy of every letter transmitted. If private correspondence is to be transmitted to the Senate, we should have got the originals, not copies. I should like to go on with the bill.

Mr. CHANDLER. Mr. President, I should like to go on with my remarks.

The PRESIDENT pro tempore. The Senator from New Hampshire has the floor.

Mr. CHANDLER. The letter was written about a year ago, I repeat, and the Senator from Maine can repeat it after me if he chooses—

Mr. HALE. I shall comment on it, certainly.

Mr. CHANDLER. Saying to the Secretary of the Treasury that the estimate he had made for \$500,000, exactly this amount, he did not wish to have submitted to Congress at that time.

Mr. HALE. That was a year ago.

Mr. CHANDLER. That was a year ago. The Senator, if I make a particularly important statement, will kindly repeat it, so that the Senate will understand it.

Mr. HALE. I will do so. It will carry some force if I repeat it.

Mr. CHANDLER. In the month of February of this year the Postmaster-General wrote to the Secretary of the Treasury, according to my recollection, that the investigation had been made and he wished the estimate submitted to Congress. Those are the two letters.

Now, I am not able to say of my own knowledge that the Secretary of the Treasury in February of this year complied with that request from the Postmaster-General; but the letters were laid this morning upon the table of the committee. They were alluded to, they were read, and they were laid upon the table, near to the Senator from Illinois and near to me—I am very happy to say, not near the chairman. But they were not private letters. They were official communications. If they show anything, they show that this \$500,000 was an estimate submitted by the Postmaster-General to the Secretary of the Treasury. If this amendment is out of order because that estimate does not happen to have been communicated to Congress in form, then it is out of order. It is my belief that it has been communicated in some form to Congress.

Mr. HALE. I submit to the Chair that that is not sufficient to make it an estimate.

Mr. MASON. Mr. President, I desire to make a statement simply as to my memory in regard to these papers. I will produce them before we take any vote on this matter. We are in no special hurry. This is a deliberative body. The motions that have been made by the distinguished Senators from Colorado and Maine are made wholly to expedite public business and that we may have a vote upon this question. So I trust that the nervousness of the committee will not hasten this matter, because I want a vote on the question. If I am to be beaten, I shall be satisfied; but I do not intend to be beaten by a trick, by points of order made underhanded, just because I have consented in a good-natured way to some amendment in order to appease and satisfy the appetite of the economists of this body.

Now, the facts are that I wanted to relieve it from a point of order, and I applied to the Second Assistant Postmaster-General for a copy of the estimate. I am stating now my recollection. Mr. Shallenberger sent me a letter this morning, which I read to the Committee on Post-Offices and Post-Roads. He stated in that letter:

I inclose you a copy of the estimate made by the Postmaster-General.

It read: "Estimate for pneumatic tubes, etc."—there were only two or three lines of it—" \$500,000." My recollection is, it was signed by the Postmaster-General, and that it was a copy of the communication which the Second Assistant Postmaster-General said he had sent to the chairman of the committee in the House of Representatives. And, Mr. President, I should say that I happen to know that that is the usual course of business. I was told that it was in the Book of Estimates. I have never been able to take time to look it up.

Mr. KENNEY. Will the Senator from Illinois yield to me for a moment?

Mr. MASON. Certainly.

Mr. KENNEY. I wish to call his attention and the attention of the Senate to the report of the Postmaster-General. On page 215 he speaks of the investigation which was ordered in the Post-Office appropriation act of a year ago for the fiscal year ending June 30, 1901. After reciting the law appropriating \$10,000 for that investigation, he goes on to say:

This investigation is being prosecuted under your direction by some of the most experienced and capable officers of the postal service. Valuable information has been collected, which will be submitted to the careful review and critical judgment of distinguished engineers and practical business men. It is expected that the investigation will be concluded and the report ready for your submission to Congress soon after it convenes in December next.

I wish to call the attention of the Senate to the following, which I read from that report:

Estimates for the continuance of existing service and for the proper extensions of service are withheld for the present in the hope that the final report of the investigations desired by Congress may be completed in time to accompany them.

I only desire to cite that from the Postmaster-General's report to show that it substantiates and supports the contention of the distinguished Senator from Illinois when he says that there has been an estimate furnished.

Mr. MASON. Now, after that the Postmaster-General did make an estimate, and he is the head of a Department. Such an estimate is considered an estimate in the House of Representatives; and it is the practice of Congress, if the District Commissioners make an estimate of the cost of anything they ask for, that is the estimate required. It comes from the Commissioners of the District. It does not have to come from a Cabinet officer. But the rule says it must be "the estimate of the head of any one of the Departments."

Now, the estimate is here, and it is signed by the Postmaster-General. I had it here, or I left it lying on my table in the committee room, but I will produce it before there is any need of a ruling upon this matter. But I wish to reply to the chairman upon the facts which he has so wildly misstated.

Mr. THURSTON. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Illinois yield to the Senator from Nebraska?

Mr. MASON. I am willing to yield. I want it to be understood, however, that I am to be heard on this question before it is finally decided.

Mr. THURSTON. The Senator will have time before the bill is passed.

I withdrew my requests for the consideration of the report of the conference committee on the Indian appropriation bill to see if this discussion could be concluded within any reasonable time. It seems to me that I am in duty bound to ask the Senate to take up the conference report. The conferees have not agreed on all matters. The report as made will lead to some discussion. We must have another conference. It may be a very serious matter. I feel in duty bound to ask the Senate now to proceed to the consideration of the conference report.

Mr. WOLCOTT. Mr. President, I raise the question of con-

sideration. I think it is for the Senate to determine. I prefer to go on with this measure.

The PRESIDENT pro tempore. The Senator from Nebraska moves that the Senate proceed to the consideration of the conference report on the Indian appropriation bill and the Senator from Colorado raises the question of consideration. It is for the Senate to determine. The question is on the motion of the Senator from Nebraska.

Mr. THURSTON. I rise to ask the Chair if this is not a privileged question?

The PRESIDENT pro tempore. It is privileged so far as making the report, but if the question of consideration is raised it must be determined by the Senate.

Mr. WOLCOTT. And the report has already been made, I understand.

The PRESIDENT pro tempore. The report has already been made. The question is on agreeing to the motion of the Senator from Nebraska [Mr. THURSTON].

The motion was not agreed to.

Mr. WOLCOTT. Mr. President—

The PRESIDENT pro tempore. The Senator from Illinois made a motion which the Chair did not put.

Mr. MASON. I want now to call the attention of the Senate and of the chairman of the committee to these letters to see whether, in view—

Mr. WOLCOTT. I should like to ask if the mysterious documents have at last been found?

Mr. MASON. Yes; they very mysteriously disappeared on my desk. They were in front of me all the while.

Mr. WOLCOTT. They were not left in the committee room, I understand.

Mr. MASON. They were not in the committee room. Did the Senator think anyone supposed he would take the letters?

Mr. WOLCOTT. I understood it was stated that they were laid on the table in the committee room some distance from me.

Mr. MASON. I made no such statement.

Mr. WOLCOTT. The Senator did not.

Mr. MASON. Mr. President, I asked the Second Assistant Postmaster-General to send me a copy of the estimate made by the Postmaster-General. I had understood and now believe I shall be able to show to the Senate that the estimate was made by the Postmaster-General to the Secretary of the Treasury, and that the supplemental report and estimate was made by the Secretary of the Treasury. This is the letter which Mr. Shallenberger sent me this morning, which I laid before the committee and thought had been lost:

POST-OFFICE DEPARTMENT,
SECOND ASSISTANT POSTMASTER-GENERAL,
Washington, February 21, 1901.

DEAR SIR: In compliance with your personal request I inclose herewith copy of a letter addressed to the Secretary of the Treasury by the Postmaster-General, under date of January 4, 1900, submitting an estimate for \$500,000 for the transportation of mail by pneumatic tube or other similar device for the fiscal year ending June 30, 1902.

At his request an advance copy of this estimate was sent to Hon. E. F. LOUD, chairman of the Committee on the Post-Office and Post-Roads, House of Representatives.

So there was the estimate sent to Congress, in the usual and proper way to send it, to the chairman of the House committee.

His attention was invited to the accompanying report of even date therewith of the Postmaster-General made in pursuance of the act of June 2, 1900, which report clearly specifies the cities in which the Department feels justified at present in maintaining and installing pneumatic-tube service, and further specifies the limited extent to which it would feel justified in installing the service even in those cities. The cities named in this report are New York, Brooklyn, Boston, Philadelphia, Chicago, and St. Louis, and the proposed service in these cities has received careful investigation and approval both of the Post-Office Department and of the committee of experts composed of prominent engineers, civil and mechanical.

Yours, truly,

W. S. SHALLENBERGER,
Second Assistant Postmaster-General.

Hon. WILLIAM E. MASON,
United States Senate.

Mr. SPOONER. Will the Senator kindly allow the letter to be read from the desk? We could not all of us hear it.

Mr. MASON. Very well. I think I will make the Senators hear it now.

Mr. TELLER. Let it be read from the desk. We would rather have it read there. The Senator has read it once, and he does not need to read it again.

The PRESIDENT pro tempore. The Secretary will read the letter.

The Secretary read the letter.

Mr. MASON. Here is a copy, certified to, of the estimate of the Postmaster-General to the Secretary of the Treasury, which he says was also sent to the chairman of the committee in the House.

The PRESIDENT pro tempore. The letter will be read.

The Secretary read as follows:

OFFICE OF THE POSTMASTER-GENERAL,
Washington, D. C., January 4, 1901.

SIR: Under date of November 13, 1900, this Department submitted to you its estimate of the fund necessary for the postal service during the fiscal

year ending June 30, 1902. The item of pneumatic tubes was omitted from that letter, the statement being made that a supplemental estimate would be submitted for pneumatic-tube service after the completion of an investigation which had been authorized by the act of Congress approved June 2, 1900. That investigation having been completed and a detailed report concerning the same, of even date, having been transmitted to Congress as required by the said act, the following supplemental estimate is herewith submitted: For the transportation of mail by pneumatic tube or other similar devices, \$500,000.

Very respectfully,

CH. EMORY SMITH,
Postmaster-General.

The SECRETARY OF THE TREASURY.

Mr. THURSTON. In this connection I desire to call the attention of the Chair and of the Senate to section 3660 of the Revised Statutes of the United States, under the head of "Appropriations."

The heads of Departments in communicating estimates of expenditures and appropriations to Congress or to any of the committees thereof, etc.

Recognizing in the statute that an estimate may be submitted either to Congress or to any committee thereof.

Mr. TELLER. It has not been submitted to either. That is the difficulty.

Mr. MASON. It was submitted to Mr. LOUD, the chairman of the committee of the House.

Mr. TELLER. The Postmaster-General submits his estimate to the Secretary of the Treasury. Now, that is not an estimate until the Secretary of the Treasury acts upon it and accepts it or modifies it, as he may.

Mr. LODGE. If the Senator from Colorado will allow me a moment, if this is the case of a reference to the House, the House rule is absolutely clear on that point:

Estimates of appropriations and all other communications from the Executive Departments intended for the consideration of any of the committees of the House shall be addressed to the Speaker, and by him referred, as provided by clause 2, etc.

Mr. TELLER. There never has been in the history of this country, so far as I know, a case where we allowed the Postmaster-General to send in an estimate of his own except through the Treasury Department; and producing a letter that he has sent an estimate to the Secretary of the Treasury is no evidence whatever. If that is all the Senator from Illinois has, he certainly has not made good what he said he would a few minutes since.

Mr. CHANDLER. I hardly think the Senator from Colorado would insist upon making this point of order merely because the evidence is not here at this moment that the Secretary of the Treasury complied with the request of the Postmaster-General and transmitted this estimate to Congress.

The Secretary of the Treasury never revises the estimates made by the heads of Departments. He compiles them and submits them to Congress; and I have no doubt, and other Senators here have no doubt, that, in response to that letter, that estimate was transmitted by the Postmaster-General, and that the Secretary of the Treasury in some form has submitted the estimate to Congress. It seems to me this is the smallest point of order I ever heard made on this floor.

Mr. TELLER. Mr. President—

Mr. HALE. If the Senator from Colorado will allow me, I hope the Senator from New Hampshire, who has had experience in this body, will not attempt to maintain his assertion that the Secretary of the Treasury never revises estimates that are sent to him by the heads of Departments. By law he is obliged to consider them; and in fact there is never a year that he does not cut down and revise them, and refuse to transmit them. That is the reason the law makes him the medium of transmittal. I think the Senator, on reflection, will not insist on his contention.

Mr. CHANDLER. On reflection, I do reiterate that the Secretary of the Treasury does not refuse to submit to Congress the estimates submitted to him by the heads of Departments. I have never known of any such case in recent years.

Mr. HALE. The Senator never has known of such a case?

Mr. CHANDLER. And his revision of the estimates, in accordance with the statute, is merely perfunctory. He always transmits them just as the heads of Departments make them.

More than that, I never have heard a point of this kind made before, that you must show the formal transmission of an estimate by the Secretary of the Treasury. If an estimate goes to the Presiding Officer of the Senate or to the Speaker of the House of Representatives or to the chairman of the committee, or if it is here in any form, amendments have always been ruled in order because there was an estimate that came within the rule of the Senate.

Mr. HALE. Yes; where the estimate came from the Secretary of the Treasury, where the law requires it to come from.

Mr. CHANDLER. That is where this estimate comes from.

The PRESIDENT pro tempore. If any Senator states on the floor of the Senate that he has seen the estimate from the Secretary of the Treasury, the Chair will certainly accept that statement and rule that the amendment is in order.

Mr. MASON. I do not understand that any one so states. I

certainly have not seen the estimate. I have only the statement of the Assistant Postmaster-General that the estimate was sent to the Secretary of the Treasury and that a copy of it was sent to the chairman of the Post-Office Committee.

The President of the Senate will see at once that this is a supplementary estimate, that it was not put in with the other estimates for post-offices and post-roads; and the reason for that was that a special committee had been appointed under direction of Congress to investigate the practical utility of this service. So all I can hope to do is to secure from the Secretary of the Treasury, which I intend to do, a statement from him that he has in the usual way sent this estimate to the Speaker of the House of Representatives.

Mr. THURSTON. I think I can settle all this difficulty.

The PRESIDENT pro tempore. The Chair will hold that an estimate sent to the Speaker of the House of Representatives or to the President of the Senate or to the chairman of the committee having the bill in charge is a sufficient sending of an estimate to Congress.

Mr. MASON. Very well. Then, Mr. President, there is a certified copy, under the certificate of the Postmaster-General, and a statement by him with the request that the estimate should be sent here.

Mr. THURSTON. I call the attention of the Chair and of the Senate to the following from the CONGRESSIONAL RECORD of January 7, on page 710, under the head of "Executive communications:"

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Postmaster-General, submitting an estimate of appropriation for pneumatic-tube service—to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

Mr. ALDRICH. In what year was that?

Mr. THURSTON. January 7 of this year.

The PRESIDENT pro tempore. Will the Senator from Nebraska please read the statement again?

Mr. THURSTON. It is as follows:

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Postmaster-General, submitting an estimate of appropriation for pneumatic-tube service—to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

Mr. HALE. The document itself will show whether that is the recommendation of the Secretary.

Mr. PETTIGREW. That is but the transmission of the estimate.

Mr. HALE. Yes. If the Secretary transmits it and recommends it, then the document will show that.

Mr. CHANDLER. The recommendation is not necessary, and the Senator from Maine knows that very well.

Mr. HALE. The recommendation is always necessary.

Mr. CHANDLER. Whether the Secretary of the Treasury recommends an appropriation or not, it is in order to move it in the Senate.

Mr. HALE. The printed document will show the fact.

Mr. THURSTON. Certainly it will.

Mr. HALE. And it is easy enough to get that in the document room.

Mr. THURSTON. It is very evident that it was transmitted and that the estimate was made.

Mr. TELLER. Was it made to the House committee or the Senate committee?

Mr. CULLOM. Was it addressed to the chairman of the Committee on Appropriations of the Senate?

Mr. THURSTON. This is the estimate made to the House of Representatives.

Mr. HALE. The document itself will show.

Mr. CULLOM. Allow me to say a word. Of course I can not complain when a Senator makes a point of order on any question that comes before us; but it does seem to me that, after the Senate has voted substantially that this amendment, or one like it, is in order, and after all this cumulative evidence has been brought before the attention of the Senate, we are getting a little too particular about giving the Senate a chance to vote upon the merits of the question itself. If the Senate had not once practically passed upon it, it would be another thing; but here the Senate has voted by a very large majority that this amendment is in order. Now, it is said that the estimate did not go to the committee by reference and get back to the Senate in some regular way, or some letter has been lost; but when we are furnished with evidence that the letter has been written, it does seem to me that we ought to end this thing and that we should go on with business and deal with the merits of the question.

Mr. TELLER. Both Senators from Illinois seem to be unnecessarily sensitive, I think, this morning.

Mr. CULLOM. I do not think I have been sensitive at all. I have sat here and listened to these technical points of order over and over again, notwithstanding the Senate has declared itself in favor of the amendment substantially, except that the amendment now proposed has reduced the amount one-half and more, yet

Senators are still trying to find some way to keep the Senate from voting upon the merits of the question.

Mr. TELLER. I will accept the disclaimer of the senior Senator from Illinois [Mr. CULLOM] that he is not sensitive.

The junior Senator from Illinois [Mr. MASON] talks about this being a trick, an underhanded method. What does the junior Senator from Illinois think our rules are made for? Are they made to be set aside? Nobody was willing here to state that there had been an estimate sent to Congress, either regularly or irregularly, until at last the Senator from Nebraska [Mr. THURSTON] unearthed what may have occurred, and what undoubtedly did occur, in the other House; but we did not have that before us when this point of order was made, and we have not got it now, and yet it must be in the document room, if it ever came here. If Senators expect to have things of this kind go into a bill, they ought to be willing to take a little pains to put themselves in order.

Mr. THURSTON. Mr. President—

Mr. TELLER. I will yield to the Senator in a moment.

I insist, Mr. President, that neither the Senator from Illinois nor any other Senator has any right to call a brother Senator to account who proposes that the proceeding shall be according to the rules of the Senate.

What would be the condition if we should attempt to legislate upon all these questions without any estimate at all from the proper Department? Why do the heads of Departments send to the Secretary of the Treasury their estimates of the expenses of their Departments? Why does the law require the head of every Department to send his estimates to the Secretary of the Treasury? Because the Secretary of the Treasury has charge of the revenues, and it is his duty to keep the estimates he sends to Congress within the bounds of the revenue.

The Senator from New Hampshire [Mr. CHANDLER] says he has never heard of such a thing. The Senator may never have heard of it; but he can find plenty of instances where the Secretary of the Treasury has compelled the heads of Departments to bring their estimates and appropriations within the limits of the revenue. The Secretary of the Treasury is not obliged to send to Congress everything that the head of a Department sends to him in the way of an estimate. Of course, if Senators have got the estimate for this appropriation, that settles this question. It is certainly not in the Book of Estimates, and there was no man on this floor who was willing during the last five minutes to say that he had an estimate. Senators have no right to complain of a point of order being made on an amendment where no estimate is presented.

We have a right, if we believe this system is not a good one, if we believe it is improperly taking money out of the Treasury, if we believe it is an attempt to ingraft upon the country a system that will cost millions of dollars, to be placed upon appropriation bills without any examination or without any attention or without any consideration on the part of the Senate—Senators ought not to complain if some of us, who so believe, are not willing to see this large amount of money taken out of the Treasury, resort to the rules which are given to the Senate, and which every Senator ought to use whenever it may be necessary to defeat an improper measure. It will get so here pretty soon that a Senator will not dare to contest a question for fear that he will offend some fellow-Senator, and he will feel compelled to keep his mouth closed for fear that somebody will think that he is against an enterprise in some other State than his own.

Mr. President, I have no feeling of hostility to the great city of Chicago. I have demonstrated my interest in that city for a great many years. I perhaps have not as much interest in it as the junior Senator from Illinois, who lives in that city, but I certainly would not do anything to interfere with its prosperity. I do not believe, however, there is anybody in Chicago who cares a continental about this thing except the people who have organized this corporation there.

Mr. CULLOM. If the Senator will allow me to interrupt him. I will say that almost every business organization in the city of Chicago has petitioned that the pneumatic-tube system may be introduced in that city. More than a year ago I myself presented petitions from boards of trade and other business organizations in Chicago to that effect.

I want to assure the Senator from Colorado that I have not manifested any extraordinary feeling about this matter. I do feel, however, that after the rules of the Senate have been substantially complied with, and after the Senate has voted with such unanimity in favor of the original amendment appropriating \$500,000 being in order, we ought to get to an end about the question of order, and go on with business.

Mr. CHANDLER. Mr. President, there is really not any haste about this bill. I think Congress has plenty of time to attend to this important question, and I want to reply to the Senator from Maine [Mr. HALE]—

Mr. HALE. The estimate is here now, and that settles the question.

Mr. CHANDLER. The Senator from Maine has said that the Secretary of the Treasury must transmit the estimates and recommend them. The Senator from Maine has said that it is in the discretion of the Secretary of the Treasury to hold back an estimate. The Senator from Massachusetts [Mr. LODGE] called my attention to the law, and I want to read from the law exactly what is the duty of the Secretary of the Treasury.

Estimates must be submitted to Congress through the Secretary of the Treasury, and in no other manner, and said Secretary shall first cause the same to be properly classified, compiled, indexed, and printed.

There is not a word there about his revising estimates or approving them. He transmits them to Congress, but the head of every Department has the right to have any estimates he may make sent to this body or to the other House without any comments or criticisms from the Secretary of the Treasury. That is his statutory right.

Mr. HALE. Does the Senator still insist on his proposition that the Secretary of the Treasury has no supervisory power, and that he does not frequently cut down the estimates of the heads of other Departments?

Mr. CHANDLER. I say there is the statute, and I have no knowledge that the Secretary of the Treasury has ever withheld in the last twenty-five years an estimate submitted to him by the head of a Department; that he has ever revised it or cut it down or changed it in any way. He compiles it, prints it, and sends it to the Senate or to the House of Representatives, and that is all he does.

Mr. HALE. Mr. President, time and again in making up the Book of Estimates the Secretary revises, cuts down, and recommends sums smaller than the heads of the Departments have transmitted to him.

That question, however, does not arise here, because the Senators who are so earnest in pushing this proposition have at last, in consequence of their being prodded up to answer the parliamentary law of the body, furnished us what is an estimate transmitted by the Secretary of the Treasury. If we had had that an hour ago, we should have been saved the time consumed in the discussion of this point of order.

Mr. CHANDLER. We did not apprehend that the point of order would be made.

Mr. HALE. Why not?

Mr. CHANDLER. Before the debate on this subject is over I think I ought to withdraw the suggestion I made that this was the smallest point of order I ever heard of. Upon reflection I find that it was a very big one.

Mr. HALE. It is an important one, and the rules are made, as the Senator from Colorado [Mr. TELLER] has said, in order to be invoked. It is the business of the committees, particularly where they are seeking to put doubtful propositions onto the Senate, to come within the rules. There would be no rules but for that.

The PRESIDENT pro tempore. The Chair holds in his hand the estimate transmitted by the Secretary of the Treasury providing for this pneumatic-tube service, \$500,000, and the Chair holds that the amendment appropriating no more than \$500,000 is in order.

Mr. CULLOM. Now, let us have a vote, Mr. President.

Mr. MASON. Mr. President, I desire to take just a moment—and that is the only answer I care to make to the argument of the Senator from Colorado—to again call the attention of Senators to the report made by the Postmaster-General under the direction of this branch of Congress. He was asked to report. He has reported; and the report has been brought to your attention again and again.

While the Senator from Colorado doubts the usefulness of the pneumatic-tube system—

The PRESIDENT pro tempore. Does the Chair understand that the amendment has been referred?

Mr. MASON. The amendment is pending, Mr. President. The order referring it was not made, I think; but if it was made I will resubmit the amendment, and that will cover the point.

Mr. HALE. The amendment is undoubtedly pending.

Mr. MASON. The amendment is undoubtedly pending. I asked to have it printed and referred, but the order was not made, and, upon the suggestion of the Senator from Nebraska [Mr. THURSTON], all I ask now is that we have a vote upon this question.

I call the attention of the Senate to the fact that the Postmaster-General, basing his opinion upon the evidence furnished by the most expert men on this question in the United States and probably in the world, recommends a continuance of this service where it is and an extension of it to Chicago and St. Louis.

It is true, as the chairman of the committee [Mr. WOLCOTT] said, that this system has not progressed much in Europe, and he is exceedingly surprised that our Postmaster-General has not tied his kite to the cart of some European postmaster. He is simply marveling before the Senate that we, the United States, should take advantage of some of the ingenuity of to-day and use for the

postal service of this Government a device that will enable the mails to be more rapidly and more quickly transported, although we have a better genius of advancement than the European countries of which he speaks.

The Senator says that the proposition would have been here with a sweeter taste in his mouth if it had come from the House of Representatives. The Senator has not hesitated to put in any amendment that he thought wise that did not come from the House of Representatives. Here is a proposition in regard to canceling machines that was not argued in the House of Representatives; yet when the bill came to our committee we found that they had fixed it so the Government should pay the value of the machines every year for their rental. We knew there were propositions by which the Government could save several thousand dollars by buying the machines, and we inserted it.

So far as this debate has progressed I have tried to be patient, feeling that my cause was just and that I could better present it to my colleagues if I would keep my temper. I believe I have succeeded in that, and I believe I have succeeded in showing that the officer of the Government in whose conscience is kept this great service, the Postmaster-General, who is recognized not only in this country, but in other countries as well, in the few years of his service at the head of the Post-Office Department, as one of the best and most able men who have ever been called into the Government service—at least, I believe I have called your attention to his recommendation.

I was exceedingly sorry when the committee this morning cut down the appropriation from \$500,000 to \$224,000. Step by step I have had to take what I could get. I am entirely satisfied that we are to have a vote upon it.

When the distinguished Senator from Colorado, the chairman of the committee, speaking of the city of Chicago, talks about connecting with alleys and back streets and stock yards, he forgets his position here and my position here. The city of Chicago is merely asking for the same service that you give to other cities. It does not ask to be connected with any business that is not as clean and reputable as that with which it is connected in New York or Boston or Philadelphia; and it is in bad taste, Mr. President, that in this hour, having found all the fault he could, having stated facts contrary to the reports made by the Postmaster-General, the Senator should seek to belittle either my efforts or the city I represent by talking of alleys, back streets, and stock yards.

Mr. President, the city of Chicago needs no defense here from me and can stand assaults from the Senator from Colorado. It is not my city alone. It is your city. There is not a man on this floor to-day who is not as proud of that city as I am. When we were in ashes we alone did not rebuild that city. The city of Chicago is the city of this country, and every time you facilitate her business you help all the business of this country. We have grown wonderfully, and I have been asking and pleading here only for the same service that is given to other cities, a service to which Chicago is entitled because of her wonderful growth. There are 2,000,000 people living in Chicago to-day. It is a city that belongs to you as much as it does to me; a city that is a monument to the genius, the civilization, and the growth of the country. I am only asking and pleading that that city may have the same service and the same consideration you give to the other cities of this country.

Mr. THURSTON. Mr. President, only a word on the consideration of the merits of this bill.

The people of my part of the country feel very grateful to the representatives in Congress who have extended to our rural communities the free-delivery system. In order to do that we have had the support of the representatives of the cities and of the thickly settled portions of the Union. We are getting our rural free delivery in communities where the revenues derived from the postal service are entirely inadequate to pay the expense; and a large part of the cost of our rural free-delivery system to-day is borne by the surplus revenues of the postal service in the great centers of American civilization. Therefore I believe that my people are now ready, although we have no great cities, to extend to the great cities of the United States every possible mail facility that the ingenuity of man can devise in order that the business of the country may be expeditiously conducted and that the transmission of the mails may be as rapid as possible.

To-day, as we approach a vote on this amendment, my only regret is that the committee saw fit last night to curtail the estimate of the Postmaster-General. I am afraid that the action of the committee will greatly cripple the pneumatic-tube service in our cities. I believe there ought to have been appropriated the \$500,000 originally named, and, except for the action of the committee, which binds the leaders of the committee to insist upon their own amendment, I would have been glad to have stood here and considered the whole merits and discussed the whole question as to the propriety of an appropriation of \$500,000. As the committee, however, have seen fit to modify the proposition, it does

not lie with me to insist upon continuing this discussion single-handed.

Mr. McCOMAS. Mr. President, I had some desire to vote for this amendment. The amendment itself, however, deters me from doing so. It is more hasty than the project of the legislation itself. Here is a large sum of money to be appropriated, and there is this provision made in respect of it that the contracts "shall only be made after and upon the approval of a board."

There should be a further reservation of the revisory power of the Postmaster-General himself to pass upon this matter. Suppose the board shall not so find; then it ends. If they do, then it shall, after and upon the approval of this board, thereupon be contracted for. That is not all. It requires other amendments besides. My first inclination was to vote for the amendment, but I submit that Senators can not properly vote for this amendment as here presented. It requires too much change.

It says, further, this matter may be bought by the Government. It seems to me, if the Government is to buy a perfected invention and plant, the time to provide for it is when it is perfected, as has been so well said a while ago by the chairman of the Post-Office Committee [Mr. WOLCOTT].

It says here that "the value thereof," if the Government shall buy it, shall be "determined by a board of three appraisers, one of whom shall be selected by such owner."

He shall be "selected" by the owner. Then another is to be "appointed by the Postmaster-General." If the Postmaster-General is to appoint one, why should not the owner be required to appoint the man he selects. He selects the arbitrator. But that is not all in the wording of this amendment.

They are then—that is, the man appointed and the man selected and not appointed—to agree upon a third by their mutual agreement, who shall make a board of arbitration in case of disagreement. It is a most remarkable provision.

Under the common-law procedure, under the ordinary procedure if you have arbitration by three parties, then when two of them agree they prevail and they decide the question. You appoint three in order that two may decide against one. But this remarkable amendment, giving this large sum of money, provides that in case of disagreement of the three—that means if the man selected by the owner shall disagree with the other two—then there shall be no finding against his veto, and no act by the majority of the arbitrators in respect of this large sum of money.

Then, what further does this amendment say?

Mr. MASON. I want—

Mr. McCOMAS. Will the Senator from Illinois allow me to state my proposition?

Mr. MASON. I want to state that we have no objection to any amendment you want to put in.

Mr. McCOMAS. I find three particulars in which I think the phraseology is to practical men, not technical men, fatal to a man's desire who wants to vote for this proposition.

Mr. CHANDLER. May I ask the Senator from Maryland a question?

Mr. McCOMAS. The Senator can ask me presently, if he will pardon me, in order that I may present this proposition. The next provision is in case of disagreement. I have shown, if I am right, by the terms of the language that a disagreement can be procured and must necessarily result if the man selected by the owner—if he were appointed it might cure it—shall disagree. Still, it has a further contingency. In case of disagreement, the amendment says the value thereof is to be determined by the judge of the district court of the United States for the district in which such system is located. As long ago as the case of *Osborne vs. The Bank*, Chief Justice Marshall decided what was a proper case to be given by the legislative body to the courts in this matter. The judicial power of the United States should not be abused by an amendment such as this.

Mr. THURSTON. Will the Senator from Maryland permit me?

Mr. McCOMAS. I will, if the Senator will permit me to complete a couple of sentences.

Mr. THURSTON. I want to call his attention to the language.

Mr. McCOMAS. I am calling attention to the language. I shall be very glad to yield to the Senator presently upon this matter. Perhaps the Senator was about to say that "the value thereof" to be determined by a board of three appraisers means that the judge shall be one of the appraisers; and if the Senator shall say that of it he makes a worse perversion of the judicial power by the Congress of the United States.

Sir, the judges of the courts, the Supreme Court and the inferior courts, are intrusted by the Constitution with cases classified in the Constitution. When there is a party upon one side and a party upon the other, and the issue made up, you then send the case to the judge to be tried. I am opposed to this perversion of judicial power by this amendment.

If you mean to say that it is an appeal by reason of the failure of the owner's arbitrator to agree to the arbitration which is before the three persons named in this amendment, and you mean that

there shall be an appeal to the district court in the district where the system may be in operation, then you have not a case which comes within the rule laid down in the Cherokee case, in 178 United States, where the Supreme Court said that a quasi judicial proceeding may be appealed from under an act of Congress; that an appeal may lie from a commission or a board—in that case it was in respect of an Indian tribe—to some judicial tribunal, and in that case to a court which itself was only a legislative court, and not a part of the judicial system of the United States.

If the purpose here is to make, in this form and phrase, an appeal to a busy district court in the larger cities of the United States to sit as an appellate court in these terms upon the finding of the arbitrators, who are bound to disagree if the owner of the invention, by his representative, shall disagree to the finding, I protest against voting for such a perversion of the judicial power of the United States. You should not make these courts parties, and especially not in those circuits where they are the most busy, in causes between suitors and in real cases which they are by the Constitution empowered to try. You can not and should not impose this upon them. But if I rightly apprehend the suggestion of the Senator from Nebraska, and he means that the judge himself shall be one of the arbitrators, that in case they disagree he himself shall be an appeal board or an arbitrator—and I care not which—I protest against thus perverting by an act of Congress that which should not be perverted. My objection is that Senators should not vote to put the judges of the United States in the business of being subordinate adjuncts of the Postmaster-General in the administration of the mail service. I now yield to the Senator from Nebraska for a question.

Mr. THURSTON. I confess it is a little difficult for me to say anything to the Senator, because it is impossible for me to discover any language in or any construction of this provision which would bear out the least suggestion he has made in reference to it.

Mr. MCCOMAS. Will the Senator say whether or not the judge is to determine the value of this invention?

Mr. THURSTON. Certainly not.

Mr. MCCOMAS. Is he in the case of disagreement of the three to sit as an appellate board?

Mr. THURSTON. Certainly not.

Mr. MCCOMAS. What does he do?

Mr. THURSTON. My mind is incapable of discovering any possible suggestion of either of those conclusions.

Mr. MCCOMAS. Then what does he do?

Mr. THURSTON. It seems to me this is as plain as language can be written:

The value thereof to be determined by a board of three appraisers, one of whom shall be selected by such owner, another to be appointed by the Postmaster-General, and the third by mutual agreement, or, in case of disagreement—

That is the third.

Mr. MCCOMAS. He is the third.

Mr. THURSTON. Certainly. Then—

In case of disagreement, by the judge of the district court of the United States for the district in which such system is located.

Mr. MCCOMAS. My objection still applies that it is not the function of a judge of the United States court to appoint a third arbitrator in a purchase under a contract by an executive officer like the Postmaster-General.

Mr. THURSTON. That suggestion may be good.

Mr. MCCOMAS. It is good. It is a very important and serious objection. If the difficulty arises out of the inchoate condition of this enterprise, let it come here as a concrete proposition, and I would be inclined to vote for it. I shall not vote for that mingling of judges and executive officers made by an act of Congress which invades the constitutional protection of the judges who, in Chicago, are busy enough on Federal cases without having imposed upon them the appointment of arbitrators. It might be made liable to mandamus by somebody under a contract. It might be made liable to injunction, and then the judge himself might be called from his seat to issue a mandamus or grant an injunction arising out of some provision under this legislation. Omit the court, strip this thing from any interference of that kind, and then make your proposition such that one man is not the whole arbitration board. If the one man disagrees, the whole thing falls. If I wanted to, I repeat, I could not now vote for this proposition. You can not amend it and put it in shape.

Mr. MASON. You can not amend it?

Mr. LODGE. I should like to ask if it is necessary to keep in the amendment the words "or other devices?"

Mr. CHANDLER. I do not understand that it is.

Mr. LODGE. It seems to me we had better say what we mean.

Mr. CHANDLER. That has been the language repeatedly for years. The Senator knows the disposition of committees to use old language.

Mr. MASON. I have no objection to striking it out.

Mr. CHANDLER. There is no objection to striking it out.

Mr. CULLOM. I think you had better not do it.

Mr. LODGE. I have never seen a printed copy of the amendment as it came from the committee.

Mr. WOLCOTT. There never has been any.

Mr. LODGE. And if I am mistaken in what I am about to say, I must be forgiven on that account. I understand that this is limited to \$12,000 a mile, under the amendment.

Mr. WOLCOTT. Both constructed and to be constructed.

Mr. LODGE. Constructed and to be constructed.

Mr. President, under the old contracts Boston received \$12,000 a mile, Philadelphia received \$24,000 a mile, and New York received \$39,000 a mile. There are two different companies. Nine-tenths of the business of the Boston company is not governmental. Its business is furnishing pneumatic tubes for private and business enterprises of various kinds, and I think nine-tenths of its business is that. This is simply one feature of its business. The other company, I understand, does nothing but Government work. It has no other business of any sort.

I desire to call attention to the danger of this limitation, as it seems to me, and the unfairness of it. We have about three-quarters of a mile of pneumatic tube in Boston. It is useful, and we should like to have it extended to the other railway station. We have two union stations, and the post-office building is about midway between them. The tube now runs to one station. We should be glad to have it extended to the other. We should be glad to have it extended also to what is known as Back Bay, the western portion of the city. But it is in evidence here that the expense of laying the pipes in the streets varies from thirty to forty thousand dollars a mile. In a sandy soil, and in a comparatively new city, it is a very cheap thing to lay the tubes, do the digging, and all the work connected with it. In an old city, where there have been many constructions underground, especially a city where, as in the case of both New York and Boston, there is a great deal of ledge and rock to be encountered in digging, there may be a difference of thirty or forty thousand dollars a mile between laying the tube in those streets and in laying it in Philadelphia or Chicago.

The representative of the Boston company, in testifying before the commission was asked, and he said he received \$9,000 from the Government.

The CHAIRMAN. At the rate of about \$12,000 per mile?

Mr. DILLAWAY. Yes, sir.

The CHAIRMAN. Now, you stated in your testimony before the House committee that that was not a remunerative price.

Mr. DILLAWAY. Certainly not.

The CHAIRMAN. Do you think it should be doubled?

Mr. DILLAWAY. I do.

The CHAIRMAN. That would be giving you \$24,000 a mile; that is, it would be at the rate of \$24,000 a mile.

Mr. DILLAWAY. Yes.

The CHAIRMAN. Do you think that would be adequate remuneration for pneumatic-tube service in Boston?

Mr. DILLAWAY. I do not, excepting on that line.

Then he described some details in connection with it.

Mr. WOLCOTT. May I interrupt the Senator to tell him another thing?

Mr. LODGE. Certainly.

Mr. WOLCOTT. For this sum, if I remember aright, in Boston the wagon service is alike assumed by the pneumatic company.

Mr. LODGE. Yes; the pneumatic company carries on the wagon service.

Mr. WOLCOTT. In no other city is that done. In Boston it carries the wagon service as well for this price.

Mr. LODGE. Yes; they do both services. I have had grave doubts about this appropriation last year and this. It is not that I am opposed to the pneumatic-tube service. It is not that I should not like to see it in Chicago and in every other city. It ought to be there in justice, just as much as in my own city. But it is because it seems to me we are embarking the Government on a tremendous undertaking of which comparatively little is known, and are putting it at the mercy of one company, which lives only on the Government and has no other business. I think this amendment has been guarded to a certain extent, and the Government is protected to that extent, but I do think still that it is a great danger to put the Government into the hands of a company with patents which seem to me of a somewhat primitive character. I think we ought to be very careful before we involve ourselves in anything of the sort. I am as anxious to get this extension in Boston as the Senator from Illinois is to get it in Chicago, but I would much rather see that service stopped there for a year than to throw this whole question into a condition where we may be met in a few years by a serious scandal and involve the Government in millions of expense.

I have pointed out one difficulty here. You are adopting in this amendment a price. Now, the old contracts have about expired, which will absolutely prevent the extension which we need in Boston, and we need that extension just as much as the city of Chicago requires this service. I am not sure that it will not absolutely stop the service that we now have, because the company there, I know, consider that they are doing it at a loss, and would be glad to abandon the contract. Therefore, it seems to me, it is

obviously unwise to put this limitation upon it and to say that what is right in one place must be right in another. The effect of this will be, perhaps, to give the service to Chicago and St. Louis. I hope so. But the effect also will be to stop the extension in Boston and to take from us that which we now have. I do not think that is fair, Mr. President. It does not seem to me that it is any fairer to stop the extension in Boston and close up the present Boston service than it is to give it to Boston and refuse it to Chicago. I do not think we ought to have that limitation in the amendment. I think the Department ought to have more discretion.

Then at once comes the reply that extravagant prices have been paid and the Government has been bled in past contracts, which I think is probably true, and that we must put on limitations. What does it all show? That we are not fit to deal with this question as it now stands. We do not know enough about it. I do not think the Department is prepared. My own belief is that the Government of the United States ought to put in this service wherever it is necessary, in cities of a certain size. They would then get their pipes in free; they would not be taxed by the municipality or the State, and I am sure they could run it quite as cheaply as these companies can run it.

In anything I am saying I am not making an appeal on behalf of the company which has run the Boston experiment, because that company is entirely willing to enter into any competition, and I think the committee will bear me out in saying that Mr. Dillaway, who represented that company, testified with the utmost frankness and in the most straightforward manner. I am not trying to get any privileges or favors for them, nor am I seeking any privileges or undue favors for Boston. I want to see the service continued there. I am afraid that with this limitation we shall lose the extension and perhaps lose the service altogether, and I use that as an illustration of the difficulty of dealing with this subject at the present time.

I wish most sincerely that the Senators who are interested in the pneumatic-tube service—and we are all interested in improving the service of the Government in the transportation of the mails—would put in for this year some provision that would enable the Postmaster-General to make proper experiments, and to come to us next winter, at the next session, which is not so very remote, with a plan for which we could make proper appropriations to begin this service in all of the large cities of the country.

Mr. MASON. Will the Senator from Massachusetts yield to me for a moment?

Mr. STEWART. I offer an amendment to the amendment.

The PRESIDING OFFICER (Mr. GALLINGER in the chair). The Chair will inquire of the Senator from Massachusetts whether or not he submitted an amendment to the amendment?

Mr. LODGE. I suggested the striking out of the words "or other devices." I make that motion.

The PRESIDING OFFICER. That is an amendment to the amendment. The amendment proposed by the Senator from Nevada to the amendment is therefore not now in order.

Mr. MASON. I wish to say to the Senator from Massachusetts that is exactly what we did at the last session. The Postmaster-General not only made experiments, but he has made tests. He has taken the evidence of every man who is informed on this subject, and has reported, and he has made an estimate to Congress, recommending the extension in Boston, so that you will have the system there that you need.

Mr. LODGE. We can not have it at this price.

Mr. MASON. I do not know. That is not my fault. I did not cut it down. I had faith, and still have, that the Postmaster-General will do justice; but there is a disposition here to put limitations upon the Postmaster-General. I submitted to it with as good grace as possible. I did not want it cut down, but you have finally done it. The opposition have succeeded in reducing it more than one-half. Now, of course, so far as Chicago is concerned, it only rests—

Mr. LODGE. I understand the Postmaster-General thinks that the systems should be owned by the Government, and we are making provision here for their being put in by companies. I think we have put in some very important amendments guarding the Government in that respect, but I should much prefer to see the Government do the whole thing—

Mr. MASON. So would I.

Mr. LODGE. And not put itself at the mercy of a company. The fact is that over this thing hangs the jobbery or the atmosphere of jobbery which was connected with the early starting of the system in New York, and it has never let up—this single company that wants to take the United States by the throat and hold it at its mercy while it develops a great business, and has no other. That is what makes so many of us hesitate who are just as much interested in having this system in our cities as is the Senator from Illinois in having it in Chicago.

Mr. MASON. Yet the Senator says that the limitation of \$12,000 a mile, which has been put on, is too small.

Mr. LODGE. I think it is too small, and I know why it is put on. It is put on on account of the very thing I have mentioned. I do not suppose it can be avoided, and it all shows the utterly inchoate condition in which this is. It is all unformed and not understood. I may misread the report, but I do not see in the report any consistent plan suggested for dealing with it. I think it would be a great deal better if we should wait a year or two and then get a good plan which could be systematically built up in all the great cities where it is needed, rather than to plunge further into this most unsatisfactory arrangement that we now have.

The PRESIDING OFFICER. The amendment proposed by the Senator from Massachusetts to the amendment will be stated.

The SECRETARY. In line 1, strike out the words "or other devices."

Mr. PETTIGREW. Mr. President, I do not object to the pneumatic-tube service in connection with the mails if it will improve the service. My objection to this amendment is that this company occupies the Government post-offices, and that we rent this device from them. If it is a good thing, the Government should own it and operate it in connection with its own buildings to deliver the mails instead of renting it of this company. My objection also is that the price charged is, in my opinion, far in excess of the value of the tube. Twelve thousand dollars a mile for the use of the tube is 3 per cent on \$400,000 a mile; and if 50 cities should use this device and have 10 miles of tube each, it would mean a capitalization of \$200,000,000. In other words, at \$12,000 a mile rental, when 50 cities had the device, having on an average 10 miles of tube, we would be paying \$6,000,000 a year for the use of it, or 3 per cent on \$200,000,000.

My further objection is that I do not believe it is demonstrated that this system of pneumatic tubes is the best. The largest tube they have used is an 8-inch tube, through which can be conveyed only first-class mail. It has to be taken from the pouches and put into a shuttle and shot through the tube, and then taken out and again put in pouches. I have been informed by Mr. McIntire, who used to be the editor of the Arena, that there is a pneumatic-tube plant in a town in New Jersey where they are operating a 24-inch tube, in which can be dumped the mail sacks; that this tube will transmit the mail at a speed of 50 miles an hour. That device, it seems to me, is much better than the one to which we are now committing ourselves. Therefore I think the Government should investigate this question before we go further, and ascertain whether there are not other devices better suited to the purpose and also see what the device can be purchased for.

When we made an appropriation a few years ago to investigate this question, the postmaster was instructed to ascertain whether he could purchase the device, and in his report he says that the patentees refuse to make any price. Their only customer is the Government, and why do they refuse to make a price? Simply because they expect that the improvidence of Congress will give them interest upon an investment vastly greater than what is actually invested; in other words, that they will get interest upon a vast quantity of watered stock—stock which represents no investment. Therefore it seems to me it is the duty of Congress, not with a view to depriving these cities of the facilities, first to look into this matter, and then, if we decide to adopt this method of transmitting the mails, to buy the right to do it, and do it with economy.

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the Senator from Massachusetts [Mr. LODGE] to the amendment.

The amendment to the amendment was agreed to.

Mr. STEWART. I offer the amendment which I send to the desk.

The PRESIDING OFFICER. The Senator from Nevada offers an amendment to the amendment, which will be stated.

The SECRETARY. In line 7, after the word "mails," it is proposed to insert:

Provided further, That more than one person, company, or corporation, at the time of his or its proposal, shall have the legal right to do all things necessary to perform such service.

And in line 7, after the word "and," insert "such contracts;" so that if amended it will read:

Provided, That all contracts hereafter to be made shall first be advertised publicly for proposals in the manner now provided by law for advertising contracts for carrying mails: *Provided further,* That more than one person, company, or corporation, at the time of his or its proposal, shall have the legal right to do all things necessary to perform such service; and such contracts shall only be made after and upon the approval of a board of three engineers, etc.

Mr. STEWART. Mr. President, one of the objections to going on with this business is the impossibility of having bids for the contracts. It is not at all probable that any city will grant the privilege to more than one person or corporation to tear up its streets and put down these conduits. So there can be no bid in it, and there can be no competition. In such cases bidding might be of some value. I do not want to have the pretense of bidding

when it is an impossibility to have it. That is my reason for wanting this provision inserted. I do not want a sham pretense of bidding to cover up a job, which will occur where there is only one bidder.

The PRESIDING OFFICER. The question is on the amendment submitted by the Senator from Nevada [Mr. STEWART] to the amendment.

Mr. LODGE and Mr. WOLCOTT called for the yeas and nays, and they were ordered.

Mr. JONES of Arkansas. Let the amendment to the amendment be read.

The PRESIDING OFFICER. The amendment to the amendment will be read.

The SECRETARY. On line 7, after the word "mails," insert the following:

Provided further, That more than one person, company, or corporation, at the time of his or its proposal, shall have the legal right to do all things necessary to perform such service.

And in the same line, after the word "and," insert "such contracts," so that the proviso will read:

Provided further, That all contracts hereafter to be made shall first be advertised publicly for proposals in the manner now provided by law for advertising contracts for carrying mails: *Provided further*, That more than one person, company, or corporation, at the time of his or its proposal, shall have the legal right to do all things necessary to perform such service; and such contracts shall only be made after and upon the approval of a board of three engineers, etc.

The PRESIDING OFFICER. The Secretary will call the roll on agreeing to the amendment to the amendment.

The Secretary proceeded to call the roll.

Mr. HEITFELD (when his name was called). I am paired with the senior Senator from New York [Mr. PLATT]. He being absent, I withhold my vote.

Mr. PRITCHARD (when his name was called). I have a general pair with the junior Senator from South Carolina [Mr. McLAURIN], who is absent. Inasmuch as we agree about this proposition, I will take the liberty of voting. I vote "nay."

Mr. QUARLES (when his name was called). I have a general pair with the junior Senator from Texas [Mr. CULBERSON]. If he were here, I should vote "yea."

Mr. SPOONER (when his name was called). On this question I am paired with the Senator from Nebraska [Mr. ALLEN]. I do not know how he would vote, and I withhold my vote. If I were at liberty to vote, I should vote "yea."

The roll call was concluded.

Mr. CLARK. I ask if the junior Senator from Kansas [Mr. HARRIS] has voted.

The PRESIDENT pro tempore. The Chair is informed that he has not.

Mr. CLARK. I then withhold my vote.

Mr. WARREN. I wish to announce my pair with the Senator from Washington [Mr. TURNER].

Mr. RAWLINS. I wish to inquire if the junior Senator from Ohio [Mr. HANNA] has voted.

The PRESIDENT pro tempore. The Chair is informed that he has not.

Mr. RAWLINS. I am paired with that Senator, or I should vote "yea."

Mr. BATE (after having voted in the affirmative). I desire to ask whether the junior Senator from Kentucky [Mr. DEBOE] is recorded as having voted.

The PRESIDENT pro tempore. The Chair is informed that he is not.

Mr. BATE. Then I withdraw my vote.

Mr. KENNEY. I have a general pair with the Senator from Pennsylvania [Mr. PENROSE], who is absent. I understand if he were present he would vote "nay." Therefore I will vote. I vote "nay."

Mr. MORGAN. I am paired with the Senator from Pennsylvania [Mr. QUAY] on all questions.

The result was announced—yeas 42, nays 14; as follows:

YEAS—42.

Aldrich,	Depew,	Lodge,	Simon,
Allison,	Elkins,	McEnery,	Stewart,
Bacon,	Fairbanks,	McMillan,	Sullivan,
Bard,	Gallinger,	Mallory,	Taliaferro,
Berry,	Hale,	Martin,	Teller,
Burrows,	Hawley,	Nelson,	Tillman,
Butler,	Hoar,	Pettigrew,	Turley,
Caffery,	Jones, Ark.	Pettus,	Wetmore,
Chilton,	Kean,	Platt, Conn.	Wolcott.
Clay,	Kyle,	Scott,	
Daniel,	Lindsay,	Sewell,	

NAYS—14.

Carter,	Foster,	Kenney,	Thurston,
Chandler,	Frye,	Mason,	Vest.
Cockrell,	Hansbrough,	Pritchard,	
Cullom,	Kearns,	Proctor,	

NOT VOTING—32.

Allen,	Dillingham,	McComas,	Quarles,
Baker,	Dolliver,	McCumber,	Quay,
Bate,	Foraker,	McLaurin,	Rawlins,
Beveridge,	Hanna,	Money,	Shoup,
Clapp,	Harris,	Morgan,	Spooner,
Clark,	Heitfeld,	Penrose,	Turner,
Culbertson,	Jones, Nev.	Perkins,	Warren,
Deboe,	McBride,	Platt, N. Y.	Wellington.

So the amendment to the amendment was agreed to.

The PRESIDENT pro tempore. The question is on agreeing to the amendment as amended.

Mr. WOLCOTT. On that I call for the yeas and nays, and I ask to have the amendment reported by the committee this morning read.

The PRESIDENT pro tempore. Is the demand for the yeas and nays seconded?

The yeas and nays were ordered.

Mr. WOLCOTT. I withdraw the request. I do not care to have it read.

The PRESIDENT pro tempore. The amendment will be read.

Mr. CARTER. The request for the reading was withdrawn, I understand.

Mr. BERRY. I understood the Senator from Colorado to state that he withdrew his request for the reading of the amendment.

Mr. WOLCOTT. I only asked to have it read in order that I might myself be certain that it was the amendment reported by the committee this morning, which has been discussed generally. I now withdraw the request to have it read.

Mr. BERRY. I do not desire to have it read.

Mr. BATE. I ask to have the amendment read.

The PRESIDENT pro tempore. The Senator from Tennessee calls for the reading of the amendment. It will be read.

The SECRETARY. On page 16, after line 4, insert:

For transportation of mail by pneumatic tube, by purchase or otherwise for maintenance and extension in cities having the system, and for establishing the system in Chicago and St. Louis and connection with East St. Louis, \$24,000: *Provided*, That all contracts hereafter to be made shall first be advertised publicly for proposals in the manner now provided by law for advertising contracts for carrying mails: *Provided further*, That more than one person, company, or corporation, at the time of his or its proposal, shall have the legal right to do all things necessary to perform such service, and such contracts shall only be made after and upon the approval of a board of three engineers, one of whom shall be appointed by the Secretary of the Treasury from the Treasury Department, one by the Secretary of the Navy from the Navy Department, and one by the Postmaster-General, who shall be some engineer known for skill and experience in such matters: *And further provided*, That all contracts hereafter to be made shall contain a stipulation that the United States may acquire by purchase any system constructed or to be constructed under such contract upon the payment to the owner of such system of the value thereof, to be determined by a board of three appraisers, one of whom shall be selected by such owner, another to be appointed by the Postmaster-General, and the third by mutual agreement, or, in case of disagreement, by the judge of the district court of the United States for the district in which such system is located: *Provided*, That the annual pneumatic-tube rental shall not in any case exceed the rate of \$12,000 per mile, including the cost of operation, nor shall any contract for such service be made to extend for more than one year: *And provided further*, That of the amount herein appropriated \$80,000 shall be reserved by the Postmaster-General for service in Chicago and St. Louis and connection with East St. Louis when pneumatic tubes become available in those cities.

The Postmaster-General is directed to investigate and report what, if any, extra charge should be made by the Government to the citizen for the use of pneumatic tubes.

The PRESIDENT pro tempore. The Secretary will call the roll on agreeing to the amendment.

The Secretary proceeded to call the roll.

Mr. HEITFELD (when his name was called). I again announce my pair with the senior Senator from New York [Mr. PLATT].

Mr. QUARLES. I suggest to the Senator from Idaho that we transfer our pairs, so that both of us can vote.

Mr. HEITFELD. That is satisfactory. I vote "nay."

Mr. KENNEY (when his name was called). I have a general pair with the Senator from Pennsylvania [Mr. PENROSE]. I understand if he were present and voting, he would vote "yea." I will therefore vote. I vote "yea."

Mr. MORGAN (when his name was called). I am paired with the Senator from Pennsylvania [Mr. QUAY].

Mr. PRITCHARD (when his name was called). I have a general pair with the junior Senator from South Carolina [Mr. McLAURIN], but inasmuch as we agree about this proposition, I will take the liberty of voting. I vote "yea."

Mr. RAWLINS (when his name was called). I am paired with the junior Senator from Ohio [Mr. HANNA]. If he were present, I should vote "nay."

Mr. TURLEY (when his name was called). On this question I am paired with the Senator from Nebraska [Mr. ALLEN]. If he were present, I should vote "nay," and he would favor the amendment.

Mr. WARREN (when his name was called). I again announce my pair with the Senator from Washington [Mr. TURNER].

The roll call was concluded.

Mr. BATE (after having voted in the negative). I desire to know if the junior Senator from Kentucky [Mr. DEBOE] has voted? The PRESIDENT pro tempore. The Chair is informed that he has not.

Mr. BATE. Then I withdraw my vote.

Mr. SULLIVAN. I desire to announce that my colleague [Mr. MONEY] is detained from the Chamber to-day by illness. He is paired, however, with the junior Senator from Oregon [Mr. McBRIDE].

The result was announced—yeas 26, nays 37; as follows:

YEAS—26.

Caffery,	Elkins,	Kyle,	Spooner,
Carter,	Foster,	Lindsay,	Sullivan,
Chandler,	Gallinger,	Mason,	Thurston,
Clark,	Hansbrough,	Perkins,	Tillman,
Cullom,	Harris,	Pritchard,	Vest.
Depew,	Kearns,	Proctor,	
Dillingham,	Kenney,	Sewell,	

NAYS—37.

Aldrich,	Daniel,	McComas,	Scott,
Allison,	Fairbanks,	McEnery,	Simon,
Bacon,	Frye,	McMillan,	Stewart,
Bard,	Hale,	Mallory,	Taliaferro,
Berry,	Hawley,	Martin,	Teller,
Burrows,	Heitfeld,	Nelson,	Wetmore,
Butler,	Hoar,	Pettigrew,	Wolcott.
Chilton,	Jones, Ark.	Pettus,	
Clay,	Kean,	Platt, Conn.	
Cockrell,	Lodge,	Quarles,	

NOT VOTING—25.

Allen,	Dolliver,	Money,	Turley,
Baker,	Foraker,	Morgan,	Turner,
Bate,	Hanna,	Penrose,	Warren,
Beveridge,	Jones, Nev.	Platt, N. Y.	Wellington.
Clapp,	McBride,	Quay,	
Culberson,	McCumber,	Rawlins,	
Deboe,	McLaurin,	Shoup,	

So the amendment as amended was rejected.

Mr. WOLCOTT. I ask that we proceed to the next amendment. The committee amendments are through. I think the next is an amendment proposed by the Senator from South Dakota [Mr. PETTIGREW] to amend the provision respecting special mail facilities.

Mr. PETTIGREW. I offer that amendment. It is not pending, I suppose, although I submitted it some days ago and had it printed.

The PRESIDENT pro tempore. The Senator from South Dakota offers an amendment, which will be read.

The SECRETARY. On page 19, line 10, strike out all after the word "cents," down to and including the word "service," in line 14, and insert:

And the Postmaster-General is hereby instructed to withhold this appropriation if he can do so without injury to the postal service.

The PRESIDENT pro tempore. The question is on agreeing to the amendment.

Mr. WOLCOTT. I am very much in favor of this amendment, but I do not think it is fair to Senators who are members of the committee, notably the Senator from Georgia [Mr. CLAY], who I think is not for the moment in the Chamber—

Mr. CLAY. I desire to state to the Senator that I am present.

Mr. WOLCOTT. I beg pardon; I am content.

Mr. COCKRELL. Let the amendment be read again.

The Secretary again read the amendment.

Mr. BATE. I ask to have read what is proposed to be stricken out.

The PRESIDENT pro tempore. The Secretary will read the language proposed to be stricken out.

The SECRETARY. After the word "cents," line 10, page 19, strike out:

Provided, That no part of the appropriation made by this paragraph shall be expended unless the Postmaster-General shall deem such expenditure necessary in order to promote the interest of the postal service.

And insert:

And the Postmaster-General is hereby instructed to withhold this appropriation if he can do so without injury to the postal service.

The PRESIDENT pro tempore. The question is on agreeing to the amendment of the Senator from South Dakota. [Putting the question.] By the sound, the ayes have it.

Mr. CLAY. I call for the yeas and nays.

The yeas and nays were ordered.

Mr. ALDRICH. I should like to know what the effect of the amendment is?

Mr. PETTIGREW. Mr. President, the amendment simply provides that the Postmaster-General may withhold the bonus or subsidy to the Southern fast mail if, in his opinion, he can do so without detriment to the service. The bonus or subsidy to the Southern fast mail has been a controverted question for a long time. The bill provides that \$172,000 shall be paid for facilitating the mail from New York to New Orleans.

I have examined the question somewhat, and I can find no justification for this subsidy. That it finds advocates among those Senators who believe that a great constitutional question is involved in the question of subsidy to ships is a surprise to me. It seems to me that an investigation of the question will show that the same issue is involved and that the same constitutional question is at stake.

But if those Senators who do not believe a constitutional question is involved will examine the facts in connection with this subsidy, they will certainly find that there is no justification whatever in this expenditure. This road receives for carrying the mails \$1,260 a mile per year, which is equal to 3 per cent upon an investment of over \$40,000 per mile and 5 per cent on over \$24,000 per mile. In other words, for carrying the mail this road receives 5 per cent upon more than its entire cost, track, depots, terminals, and rolling stock.

Mr. STEWART. Will the Senator allow me? How does this amendment differ from the proviso he proposes to strike out? Does not that leave it in the discretion of the Postmaster-General?

Mr. PETTIGREW. Under the old law?

Mr. STEWART. Under the clause that the Senator proposes shall be stricken out.

Mr. PETTIGREW. The clause that is proposed to be stricken out says the Postmaster-General may withhold it in his discretion, but while, as he says, he does not believe it is necessary for the service, he declines to exercise the discretion for the reason that in the face of his recommendation that the appropriation be not made Congress continues every year to make the appropriation.

Mr. TELLER. May I read what the Postmaster-General said?

Mr. PETTIGREW. I yield to the Senator from Colorado for that purpose.

Mr. TELLER. I will read what the Postmaster-General, who had this in charge, said. He was asked by Mr. MOODY:

Is not the matter discretionary with the Department, even after Congress makes the appropriation?

A. Well, the Department would have the power to withhold it, but, having recommended to Congress the advisability of withholding it, the Department is bound to assume that Congress desires the appropriation to be expended so long as it is made.

Mr. PETTIGREW. I read from the report of the Postmaster-General for 1891, page 345:

The appropriation for the current fiscal year is \$295,421.79. The amount estimated as necessary for the current fiscal year is \$196,614.22. No recommendation has been made for the customary special-facility allowance for the next fiscal year, because I do not believe there exists occasion for perpetuating the preferential method whereby a limited number of railroads would be paid both ordinary and special transportation and full-car compensation, while other railroads, performing precisely the same character of service, can be allowed nothing more than the compensation which we are by statute permitted to pay for ordinary transportation.

The continuance of the special-facility allowance has for some years past been the source of much annoyance to the Department and has hampered the best interests of the mail service, because railroads operating in contiguous territory, and, to some extent, paralleling the roads which receive the extra pay, object to rendering equally good or quicker schedule mail service except they be paid corresponding rates. They ask that all be treated alike. When the special-facility payments were first started it was well understood that they were but temporary, so as to bridge over a period until the natural growth of the mails would yield sufficient compensation to do away with occasion for additional allowances.

This was as far back as 1879, since which time the aggregate yearly compensation to the railroads drawing the special-facility allowances for ordinary mail and car transportation, independent of the special service, has more than doubled, so that ordinary compensation, even after the reduction of this year, will be greatly in excess of ordinary and special compensation added together ten years ago; and as most of the special-facility routes will have their compensation readjusted commencing with July 1, 1892, when their pay, it is estimated, will be increased still further, at least 20 per cent, this office has not felt satisfied in recommending the continuance after June 30, 1892, of any portion of the present special-facility allowance.

This was in 1891. Every Postmaster-General since that time has protested against this appropriation. In the report of the Postmaster-General for the fiscal year 1896-97 I find the following:

SPECIAL FACILITIES.

Congress has appropriated each year during the last twenty years a special fund for a fast mail service from New England and New York to Southern States, reaching as far south as New Orleans. The total amount for the current year is \$196,614.22.

There has been a difference of opinion as to the necessity for making these appropriations, but as each Congress has seen proper to follow the action of the former Congress, the Department, while not recommending the appropriation, has thought it advisable to apply the fund for the purpose indicated.

So the Department does not recommend it for that year. In his report for 1897-98 the Postmaster-General says:

SPECIAL FACILITIES.

In submitting the estimates for several years past this office has declined to include the item of "special facilities," for reasons heretofore stated, but appropriations have, however, been made.

And I read the reasons. The Postmaster-General's report for 1898-99 makes the following statement:

SPECIAL FACILITIES.

In submitting the estimates for several years past this office has declined to include the item of "special facilities," for reasons heretofore stated, but appropriations have, however, been made.

He still declines to recommend it. In the report of the Postmaster-General for the fiscal year ending June 30, 1900, I find the following:

SPECIAL FACILITIES.

In submitting the estimates for several years past this office has declined to include the item of "special facilities," for reasons heretofore stated, but notwithstanding appropriations have been made.

Then he gives a statement of the expenditure of the money. I find that the joint committee of the two Houses appointed to investigate the question reported that this is unnecessary. I fail to find any reason anywhere why this bonus should be continued. On the contrary, I find that this company ran a faster train that was unsubsidized than the subsidized train which they now run. I read from the House debates. Mr. BROMWELL, of Ohio, said:

I have taken the trouble to compare the time made by the unsubsidized trains of this system in 1893 with the subsidized trains of 1899 and 1900. The unsubsidized train of 1893 is the one that was No. 35 over this same line of route from New York by the way of the Pennsylvania road practically to Washington, over the Southern road and the Louisville and Nashville; that was train 35 unsubsidized, and in that letter he gives the running time of that train to the different points along this line. I will print this table in the Record, but I want to call the attention of the House to it as showing that the alleged difference in favor of the subsidized train is not borne out.

Mr. TURLEY. Will the Senator yield to me for a suggestion?

Mr. PETTIGREW. Yes, sir.

Mr. TURLEY. I think the Senator will find this company runs a train right now over the same route down to Atlanta faster by twenty or thirty minutes than this subsidized train—the vestibuled limited, which runs at night and makes quicker time than the subsidized train.

Mr. PETTIGREW. Unquestionably, and they ran a train in 1893 on about the same schedule as the night train to which the Senator refers—an unsubsidized train—and they ran it faster.

In 1893 they ran train No. 35, unsubsidized, from New York to Washington in six hours and fifteen minutes, and train No. 13, subsidized, in 1898, from New York to Washington in six hours and forty-five minutes, or thirty-two minutes slower than the unsubsidized train over the same road. From Washington to Danville the unsubsidized train ran the distance in 1893 in thirteen hours, and the subsidized train in 1898 ran the distance in thirteen hours and twenty-five minutes, a difference of twenty-five minutes in favor of the unsubsidized train.

The train from New York to Greensboro ran the distance in 1893 on an unsubsidized train in fourteen hours and twenty-five minutes, and in 1898 on the subsidized train in fifteen hours and two minutes, or thirty-seven minutes slower.

From New York to Atlanta, train No. 35, unsubsidized, in 1893, ran the distance in twenty-four hours and twenty-five minutes, and on subsidized train No. 35, in 1898, in twenty-three hours and forty minutes, or forty-five minutes quicker. But when we go beyond Atlanta we find that to New Orleans the unsubsidized train in 1893 made the time quicker by thirty-five minutes than the subsidized train in 1898.

I find by an examination of the records of the Department that we have paid to this company nearly \$3,000,000 in the last twenty years for a service which for over ten years the Postmaster-General said would be better performed if we did not give the subsidy. I find, furthermore, that the speed of this train is but 36 miles an hour on an average, and greater speed is maintained upon other mail routes of this country that receive a less compensation out of the general fund for carrying the mails. For instance, Mr. BROMWELL, in the House debate, says:

This 3.35 subsidized train from Washington to Charlotte, 380 miles, makes an average rate of speed of 36 miles an hour. Why, sir, the Chesapeake and Ohio or the Baltimore and Ohio, crossing the mountains, plowing their way through tunnels, with curves and heavy grades—with which there is nothing to compare on the lines of the Southern road—makes between Cincinnati and Washington a rate of speed fully equal to that.

From Washington to Atlanta the average is only 34.7 miles an hour. That is not rapid railroad traveling. From Washington to New Orleans, a distance of something less than 1,360 miles, the average rate of speed is only 35 miles an hour. Compare this with the speed on some of the other great railroads of the country. The Illinois Central, on train No. 3, from Chicago to Cairo, 365 miles, makes a speed of 37.4 miles an hour. The same road, from Chicago to Memphis, 527 miles, makes an average of 34.2 miles an hour. The same road, between Chicago and New Orleans, 923 miles, makes an average of 35 miles an hour. The Santa Fe road from Chicago to Kansas City, train No. 17, makes for 458 miles an average rate of 40 miles an hour.

None of these other lines are subsidized. This really is not a fast mail as compared with the service upon the other lines of road in this country that are not subsidized. Now, what other argument can be made why this bonus should continue? It must be that the ordinary pay for carrying the mails is inadequate. But is it? I find that this road receives \$1,730,446 per year for carrying the mail; or, in other words, \$1,260 per mile per year; which is equal, as I said before, to 5 per cent upon \$24,000 a mile; and the road can be duplicated, with all its stock and terminals and everything it possesses, for less than \$24,000 a mile.

So there can be no argument in favor of this bonus on the ground that the ordinary compensation for carrying the mail is inadequate. In other words, this road receives as interest from

the Government for carrying the ordinary mails 5 per cent of the total value of their property. The amount of mail they carry is infinitesimal compared with the business they do. If they should get as much more from any source, that would pay the operating expenses, and they would be getting interest at 5 per cent on the total investment, leaving all the other business as a bonus upon stock which cost nothing.

Mr. President, I do not care to discuss this question further. I simply wanted to present these facts to the Senate and allow a vote to be taken. I can find nothing anywhere which justifies this appropriation either on the ground of necessity because of the small business of the roads or because of the small compensation for carrying the mails or because they are giving any additional facilities. Who is the best judge? When the Postmaster-General says in his report that he can get better service if he does not have the bonus than he can with it, what reason is there to justify us in making the appropriation?

Mr. HARRIS. Will the Senator permit me to call his attention to the proviso, which seems to completely answer his last proposition? That proviso reads:

Provided, That no part of the appropriation made by this paragraph shall be expended unless the Postmaster-General shall deem such expenditure necessary in order to promote the interest of the postal service.

Mr. PETTIGREW. I will answer that. If the Senator will listen, here is what the Postmaster-General says in his report for 1896-97:

Congress has appropriated each year during the last twenty years a special fund for a fast mail service from New England and New York to Southern States, reaching as far south as New Orleans. The total amount for the current year is \$196,614.22.

There has been a difference of opinion as to the necessity for making these appropriations, but as each Congress has seen proper to follow the action of the former Congress, the Department, while not recommending the appropriation, has thought it advisable to apply the fund for the purpose indicated.

So I say in my amendment that the Postmaster-General shall not expend the money unless he decides that it is necessary.

Mr. HARRIS. That is exactly what this proviso says, that the money shall not be expended unless the Postmaster-General shall deem such expenditure necessary.

Mr. PETTIGREW. In view of the statement of the Postmaster-General, which I have just read, and which answers the Senator's question completely, I propose to put the amendment in this form:

And the Postmaster-General is hereby instructed to withhold this appropriation if he can do so without injury to the postal service.

Mr. HARRIS. That is merely the same thing in different words.

Mr. MALLORY. Will the Senator permit a question?

Mr. PETTIGREW. I yield to the Senator.

Mr. MALLORY. I should like to inquire of the Senator if he can state whether at the time the report of the Postmaster-General for the fiscal year 1896-97 was made the appropriation contained a proviso similar to that which is proposed here?

Mr. PETTIGREW. Yes, sir; it did.

Mr. MALLORY. Is the Senator certain of that?

Mr. PETTIGREW. I am certain of it. The Postmasters-General have not differed about this matter. You can find no recommendation for it in their reports. The Postmaster-General says:

There has been a difference of opinion as to the necessity for making these appropriations, but as each Congress has seen proper to follow the action of the former Congress, the Department, while not recommending the appropriation, has thought it advisable to apply the fund for the purpose indicated.

Further, Mr. Shallenberger testified before the committee, and I call the attention of the Senator from Florida [Mr. MALLORY] and of the Senator from Kansas [Mr. HARRIS] to the testimony. In the hearing before the postal commission the question was asked by Mr. MOODY of Massachusetts of Mr. Shallenberger, the Second Assistant Postmaster-General:

Is not the matter discretionary with the Department even after Congress makes the appropriation?

And Mr. Shallenberger answered:

Well, the Department would have the power to withhold it; but having recommended to Congress the advisability of withholding it, the Department is bound to assume that Congress desires the appropriation to be used so long as it is made.

Mr. RAWLINS. Will the Senator yield to me for a question?

Mr. PETTIGREW. I yield to the Senator.

Mr. RAWLINS. Why is it not the more direct way to do to move to strike out the appropriation? As I understand the statement read from the report of the Postmaster-General, he has decided that this appropriation is not necessary. We know that now. Why, then, devolve upon him the duty to again decide it is not necessary, which we do? Why not withhold the appropriation?

Mr. PETTIGREW. We tried that a year ago, and a very large number of Senators who made frantic speeches in this body against ship subsidies voted to continue this subsidy, although

all of these facts were laid before the Senate. So we thought we would put the responsibility, not upon the Postmaster-General, but put it upon Senators and refuse to allow him to exercise this discretion.

I want to say that every member of the postal commission with the exception of three, Mr. CHANDLER not joining in the report, with the exception of Senator MARTIN and Mr. CATCHINGS, reported adversely to the continuance of this subsidy.

Mr. CAFFERY. What is the number comprising the postal commission?

Mr. PETTIGREW. There are eight members.

Mr. CAFFERY. And five voted against it?

Mr. PETTIGREW. Yes. I am reading from Mr. BROMWELL'S speech in the other House.

And even Mr. CATCHINGS, of the House, and Senator MARTIN, of Virginia, have stated no reasons in their report further than the one I have just called attention to, that it was discretionary with the Second Assistant Postmaster-General, and therefore, as he exercised the discretion, it must imply that he thought it ought to be made.

Now I read from Mr. CATCHINGS'S minority report:

I concur in the foregoing report of Mr. MOODY, with the exception of so much thereof as might be held to refer to "special facilities appropriations." These appropriations have not been made mandatory, but subject to the discretion of the Postmaster-General. No doubt he would discontinue the expenditure if the service now enjoyed by the communities in question could be secured without it. I can not unite in the recommendation that these appropriations be discontinued.

The only argument he makes is that the discretion is with the Postmaster-General. It seems to me it winds up the whole argument when the Postmaster-General says he did not continue this service because Congress, in spite of his recommendations that it be discontinued, continued to make the appropriations. I should like to hear somebody give some other reason for it.

Mr. LINDSAY. I ask the Senator if the explanation of the Postmaster-General was not at last that the appropriation was made subject to his discretion? Was there any justification in his arguing that Congress intended to give him the discretion, and at the same time overrule that discretion?

Mr. KENNEY. The Postmaster-General contended that he had no discretion.

Mr. PETTIGREW. Oh, no; the discretion is there; but he says he did not exercise it. I do not suppose the Senator was listening.

Mr. PRITCHARD. May I ask the Senator from South Dakota a question?

Mr. PETTIGREW. I yield to the Senator.

Mr. PRITCHARD. I ask the Senator if we do not give the discretion in this bill to the Postmaster-General?

Mr. PETTIGREW. Yes; and it has been in every bill, and this is what the Postmaster-General says about it:

Well, the Department would have the power to withhold it; but having recommended to Congress the advisability of withholding it, the Department is bound to assume that Congress desires the appropriation to be used, so long as it is made.

Mr. LINDSAY. Is the Postmaster-General bound to assume any such thing?

Mr. PETTIGREW. I do not know. When he presents here year after year the fact that it is not necessary, and then the appropriation is made upon a roll call, it seems to me the time has arrived for Congress to issue its instructions in a more emphatic manner than by this discretion, which is the only argument presented here or elsewhere to justify the appropriation. We have it in our power to make it specific and definite, and under the circumstances it is our duty to do it. If we do that, no Senator can escape behind the plea that there is discretion in the Postmaster-General.

I do not care to discuss the question further, Mr. President, until I can hear some argument to justify the continuation of this expenditure of money.

The PRESIDENT pro tempore. The question is on the amendment submitted by the Senator from South Dakota [Mr. PETTIGREW], on which the yeas and nays have been ordered. The Secretary will call the roll.

The Secretary proceeded to call the roll.

Mr. HEITFELD (when his name was called). I again announce my pair with the Senator from New York [Mr. PLATT].

Mr. KENNEY (when his name was called). I am paired with the Senator from Pennsylvania [Mr. PENROSE], but I understand if he were present he would vote the same way that I do on this proposition, and I therefore vote. I vote "nay."

Mr. PRITCHARD (when his name was called). I have a general pair with the junior Senator from South Carolina [Mr. McLAURIN]. I transfer that pair to the Senator from Iowa [Mr. ALLISON] and vote. I vote "nay."

Mr. QUARLES (when his name was called). I am paired with the junior Senator from Texas [Mr. CULBERSON].

Mr. VEST (when his name was called). I am paired with the Senator from Minnesota [Mr. NELSON]. I do not know whether he has voted.

The PRESIDENT pro tempore. The Chair is informed that the Senator from Minnesota has not voted.

Mr. VEST. Then I withhold my vote. I should vote "yea" if the Senator from Minnesota were present.

The roll call was concluded.

Mr. BATE (after having voted in the affirmative). I am paired with the Senator from Kentucky [Mr. DEBOE], and I therefore withdraw my vote.

Mr. CULLOM. The Senator from Iowa [Mr. ALLISON] is necessarily absent in committee. He requested me to announce that he is paired.

Mr. PETTUS (after having voted in the negative). I withdraw my vote. I see the Senator from Massachusetts [Mr. HOAR], with whom I am paired, is not present.

Mr. BUTLER. I am paired on this question with the Senator from South Carolina [Mr. McLAURIN], who has not voted; but I understand that the Senator from South Carolina has already been paired with the Senator from Iowa [Mr. ALLISON]. That being so, I am at liberty to vote, and I will let my vote in the affirmative stand.

The result was announced—yeas 19, nays 40; as follows:

YEAS—19.

Berry,	Frye,	Lodge,	Teller,
Butler,	Gallinger,	Pettigrew,	Tillman,
Caffery,	Hale,	Platt, Conn.	Turley,
Chilton,	Hawley,	Rawlins,	Wolcott.
Cullom,	Jones, Ark.	Stewart,	

NAYS—40.

Aldrich,	Cockrell,	Lindsay,	Proctor,
Allen,	Daniel,	McComas,	Scott,
Bacon,	Depew,	McCumber,	Sewell,
Bard,	Elkins,	McEnery,	Shoup,
Eurrows,	Fairbanks,	Mallory,	Simon,
Carter,	Hanna,	Martin,	Spooner,
Chandler,	Harris,	Mason,	Sullivan,
Clapp,	Kearney,	Morgan,	Taliaferro,
Clark,	Kenney,	Perkins,	Thurston,
Clay,	Kyle,	Pritchard,	Wetmore.

NOT VOTING—23.

Allison,	Foraker,	McLaurin,	Quay,
Baker,	Foster,	McMillan,	Turner,
Bate,	Hansbrough,	Money,	Vest,
Beveridge,	Heitfeld,	Nelson,	Warren,
Culberson,	Hoar,	Penrose,	Wellington.
Deboe,	Jones, Nev.	Pettus,	
Dillingham,	Kean,	Platt, N. Y.	
Dolliver,	McBride,	Quarles,	

So the amendment of Mr. PETTIGREW was rejected.

Mr. PETTIGREW. I offer an amendment on the same subject.

The PRESIDENT pro tempore. The Senator from South Dakota offers an amendment, which will be stated.

The SECRETARY. On page 19, line 18, strike out all after the word "necessary," down to and including the word "service," in line 21, and insert:

That the Postmaster-General is hereby instructed to withhold this appropriation if he can do so without injury to the postal service.

Mr. PETTIGREW. Mr. President, this bonus or subsidy is to a railroad running west from Kansas City part way into the State of Kansas. The evidence shows that the mail is delayed, that it is held for this train, which is run exclusively to get a few morning newspapers out into this country. It is run at a loss to the road, it is run without the recommendation or the indorsement of the Department, and for no other purpose under heaven than to allow two Kansas City newspapers to get out to a few towns in Kansas a few hours sooner than they otherwise would. I do not care to say anything more about it than to make this statement, which is borne out by the facts.

Mr. RAWLINS. I move to amend the amendment offered by the Senator from South Dakota by striking out, on page 19, from line 7 to line 21, inclusive. It strikes out all of the appropriation, if the amendment be in order.

The PRESIDENT pro tempore. What is the amendment proposed by the Senator from Utah?

Mr. PETTIGREW. It is to strike out the facilities for both of these lines, the Southern route as well as this line from Kansas City to Newton, Kans. I withdraw my amendment in order that we may get a direct vote upon the amendment proposed by the Senator from Utah, on which I shall ask for the yeas and nays.

Mr. RAWLINS. I move to strike out from line 7 to line 21, inclusive, on page 19.

The PRESIDENT pro tempore. The Senator from Utah offers an amendment, which will be stated, the Senator from South Dakota withdrawing his for the present.

The SECRETARY. Beginning with line 7 on page 19, it is proposed to strike out all of the bill down to and including line 21 on the same page, as follows:

For necessary and special facilities on trunk lines from New York and Washington to Atlanta and New Orleans, \$171,238.75: *Provided*, That no part of the appropriation made by this paragraph shall be expended unless the

Postmaster-General shall deem such expenditure necessary in order to promote the interest of the postal service.

For continuing necessary and special facilities on trunk lines from Kansas City, Mo., to Newton, Kans., \$25,000, or so much thereof as may be necessary: *Provided*, That no part of this appropriation shall be expended unless the Postmaster-General shall deem such expenditure necessary in order to promote the interest of the postal service.

Mr. TURLEY. Mr. President, before the amendment is voted on I wish to make a statement. I intend to vote in favor of the amendment. I only make the statement because of the fact that the legislature of Tennessee has passed a resolution requesting its two Senators to vote in favor of this fast-mail subsidy, and as I can not comply with that request, I wish briefly to state the reasons why I can not comply with it.

Mr. President, I have examined this question somewhat and I find it in this condition. This road runs two trains. This is not the fastest train over the road, but that is immaterial in my view of the case. For carrying the mail on this very fast train I understand it receives exactly the same pay that every other railroad in the country does, and therefore the \$171,000 is a pure subsidy, granted to this road as pay for running a train. It is nothing more and nothing less. It is not compensation for the mails carried on the train, because that compensation is paid in addition to this subsidy. It is just as much a subsidy, in my opinion and in my judgment, as the subsidy that we have been asked to vote for in favor of ships and shipping.

The only argument in the world that I have heard advanced in favor of it is that if this money is not paid, this road will take its train off and not run it. I do not believe for a moment that any such result will follow. I would vote against the subsidy even if that result did follow, because there are plenty of other routes to those Southern cities over which the mail can be carried. But this is a through trunk line, and every trunk line in the country that I know anything about runs at least two fast trains, one in the day and one at night, and this road could no more fail to run this train than it could fail to run its night train. It is bound, under the condition of railroad business, in competition with other lines, to furnish the same facilities for public travel and public business that other lines do. We are simply in the attitude here of giving a gratuity to this road for running a train which is as beneficial and remunerative to it, in my judgment, as any other of its passenger trains.

Mr. VEST. Let me ask the Senator from Tennessee a question for information.

Mr. TURLEY. Certainly.

Mr. VEST. Were these trains, which are called fast mail trains, run on those roads prior to this subsidy, as it is called; that is, prior to the grant of this mail pay?

Mr. TURLEY. I am not able to answer.

Mr. CLAY. I can answer. They were not.

Mr. BATE. Such trains were run on the same road, and they ran as fast as these trains do.

Mr. VEST. If the Senator from Tennessee will excuse me, I understand one Senator to say they did run these trains before the grant of this additional mail pay and another to say they did not. What does the chairman of the committee say? He ought to know.

Mr. WOLCOTT. What is the question asked?

Mr. VEST. It is charged that this is a subsidy. I asked if those trains, called fast mail trains, were run upon these roads from New York south and from Kansas City south before this legislation giving this pay?

Mr. WOLCOTT. These particular trains were not run, but prior to the subsidy there was as fast or faster mail service than there is now. There has been no Postmaster-General who has not expressed his opinion of the absolute absurdity of this subsidy. It is a subsidy pure and simple; and I desire to say to the Senator from Missouri that the whole argument of those of us who believe that railway mail pay is not excessive and that the present law has reached a fair medium of payment is destroyed by the pernicious practice of Congress in introducing and passing, year after year, special subsidy measures, for if that be the true method of determining railway mail pay, we might reduce it to any extent and then subsidize lines for special service.

This mail service is a sentimental service. It catches New England, because it mentions it; it catches the South, because it mentions it, but it does not facilitate anybody's receipt of letters at all. It has gone along, and it appeals to a certain sectional pride, and we vote for it year after year, and the tail of it, from Kansas City to the South. So the two together, both useless, both extravagant, both opposed and frowned upon by the Department, are passed year after year because of the good-natured sentimentality of this body and the other. That is all there is to it.

Mr. LODGE. Will the Senator from Tennessee allow me for a moment?

Mr. TURLEY. I will.

Mr. LODGE. As the Senator from Colorado said that New Eng-

land was caught by this proposition, I wish to say that New England is no longer included.

Mr. WOLCOTT. Ah!

Mr. LODGE. It used to start from New England.

Mr. WOLCOTT. From Boston.

Mr. LODGE. From Boston. We were cut off. I do not know why. It has not hurt our mail facilities one particle.

Mr. TELLER. Cutting it off has not hurt them?

Mr. LODGE. Cutting it off has not hurt them. I have not heard a complaint and I have not had a letter from a human being asking that it be put back. The whole thing is a mere gift to the railroads. If Congress chooses to do it, there is nothing to be said.

Mr. BACON. Did the Senator from Massachusetts vote for it as long as New England was included?

Mr. LODGE. I am inclined to think I did.

Mr. BACON. I hope he will not desert us now.

Mr. WOLCOTT. I will certify that he did, and so did almost every other New England Senator.

Mr. TURLEY. I do not know when these trains began to run. This subsidy has been in existence for a good many years, probably ten or twelve years. I learn from the statement made in the House of Representatives that faster trains were run over the roads before the subsidy was granted; but this through system from here to Atlanta and on down to New Orleans is comparatively recent. Even if the train had not run for seven or eight years without the subsidy, that is no argument that it would not be run now without it. But, even if these trains were taken off, there are other lines over which the mail can be carried.

I know that on all these roads to the South, routes that run through Cincinnati and Louisville and by Bristol and Knoxville, there have been two through trains, one by day and one at night, for twenty-five years at least. How in the world can there be any justification for paying this line its regular mail pay and then paying it \$171,000 for the sake of running a special train for two or three cities? Why is not every city in the United States entitled to demand that Congress pay money and subsidize an extra train to be run in its behalf?

Mr. WOLCOTT. I will say to the Senator that I have watched it during the years I have been in the Senate, and it has invariably been attached to the appropriation bill by the almost solid vote of Senators from the South who are opposed to every other subsidy but favor this.

Mr. BERRY. Will the Senator from Tennessee yield to me?

Mr. TURLEY. Certainly.

Mr. BERRY. It has not been the solid vote of the South.

Mr. WOLCOTT. I said the almost solid vote.

Mr. BATE. That is a mistake.

Mr. BERRY. I regard it, and have always regarded it, as a pure gift of money out of the Treasury of the United States to a railroad corporation. I have never voted for it and have voted against it again and again, and I intend to vote for the amendment offered by the Senator from Utah.

Mr. TURLEY. Take any city in the South—Memphis or St. Louis or Mobile or any other Southern city—and there is not a single one where there are not two through lines of fast trains each day, leaving about twelve hours apart, on every road. We get the mails in the city in which I live by two through fast mail trains over two routes, just as the mails go to New Orleans by these other routes.

I repeat, it seems to me it is just as much a subsidy as to grant to the fast ships that carry the mails across the ocean pay in addition to the regular and ordinary mail pay for the mail they carry, for that is what it is for this train. We pay them for the mail, and then pay them \$171,000 in order to induce them to run this train.

Mr. RAWLINS. Mr. President, I do not rise to argue this question. It seems to me we have a revival here of the mischievous principle involved in the ship-subsidy bill, which we on this side declared was so iniquitous that it would justify the defeat of the measure, or we would remain here and protract the debate upon it; and I feel that Senators who were opposed to that principle should vote in favor of this amendment.

Mr. STEWART. Mr. President, I have been listening to the debate this afternoon, and the analogy between this and the ship-subsidy bill does not appear to me to be accurate. It is admitted by all that the mails would go the same without the subsidy, whereas it is conceded by all that we have no merchant marine without the subsidy.

Mr. BATE. Mr. President, I think I ought to say something about this matter. My colleague has put us right so far as concerns the action of the legislature of our State. But it has been said here by the chairman of the committee that those of us from the South have always voted in favor of these appropriations because they affected our interests. He himself very gracefully acknowledges that he voted for it because it did help New England. I want to correct that statement, so far as I am concerned, and I know many

of the other Southern Senators agree with me. I have voted consistently against this identical proposition every time it has come up here since I have been in the Senate.

I am one of those old-fashioned Democrats who does not see any difference between the subsidy that you offer for a ship and the subsidy that you offer for a railroad, and I am against subsidies both to ships and to railroads. Therefore I can not consistently vote for this.

There was a time when it was common among railroad companies to receive subsidies, but the "infant industries" have passed beyond that point.

The United States statutes now provide that mails shall be carried at fixed rates. When the railroad assumes to carry the mails by consent of the Government mutual obligations arise. The Government agrees to pay according to the terms of the statute, or the contract under the statute, certain compensation, and for a faithful performance of service. The obligation, therefore, of the company is to carry the mail with all reasonable haste and to use such appliances and facilities best suited for the transportation of the mails and for complying with the obligations. This they are bound to do under the law if they assume to do the work, and are bound to do it without subsidy. These subsidious amounts of money have been paid in the discretion of the post-office officials and not by direct and unconditional appropriation.

There is an inducement for this, it is said, in that it secures a fast line of trains for the transportation of mails. The proof, if Senators will take the pains to read it, as it will be found in the hearings before the House and Senate committees, does not show that there was any actual saving of time between New York and New Orleans beyond a few minutes. Not only that, but the proof goes on to show, if I understand it, that before the subsidy was given—whether you call it a subsidy or a bounty—the same time was made, and perhaps faster time, from New York to New Orleans and back from New Orleans to New York.

Mr. TURLEY. Will my colleague allow me to interrupt him for a minute?

Mr. BATE. Certainly.

Mr. TURLEY. This train takes between six and seven hours to go from New York to Washington, and it lies here three or four hours. It lies here from 7.25 a. m. until 11.15 a. m. It leaves New York at 12.10 and arrives here at 7.25. It is a slow train from New York here. It lies over here two or three hours, and leaves here at 11.15. It is not a fast train by any means.

Mr. BATE. Mr. President, I did not intend to be accurate as to the exact minute in regard to time of the movements of trains. I wish to say a word as to this practice of giving aid, or gratuity, or subsidy, or a bounty, or whatever you call it, for they are interchangeable terms. This is a bounty, and nothing else, as it seems to me. Before 1893 the mail over this route was carried in almost the same time. There was but a few minutes difference compared with what it has been since. Where, then, is the necessity for giving the \$171,000? It is but a gratuity, and nothing more. It is a subsidy, and I am against subsidies by the Government upon principle.

It is said some Senators will vote for this upon policy, because it will help the South, and all that. It does not help my State in any sense, because it does not come within a hundred miles of Tennessee. But it does help a road that goes through it, for the Louisville and Nashville Railroad passes through Tennessee. That road goes to Montgomery, Ala., and when it reaches Montgomery there are 318 miles over which it carries the mails to New Orleans, for which it is compensated independent of subsidy. Hence this road is a factor in mail carrying and schedule scheme. Therefore to that extent my State may be interested, and that may be one of the reasons which influenced the legislature in asking that we vote for this subsidy. But of this I am not advised.

This communication does not come to us, permit me to say, in the shape of "instructions." An old Democrat rather believes in "instructions." We certainly did before the war. It does not, however, come to us in that shape, but it is a mere polite request of the legislature, and couched in courteous terms. It was not only sent to the Senators, but likewise to all the Representatives in the House from our State. The Senators and each Representative had a private communication in regard to this matter, accompanied by a certified copy of the action of the legislature, requesting us to vote for this subsidy, but did not call it "subsidy."

Now, we are interested in it to that extent and no more, and I do not know whether all of the members of the legislature were acquainted with the situation when the resolution passed. I do not know that the legislators knew what the real object was, or whether it knew if there was a cat in the meal. At any rate, I think I know some Democrats among them who did not see the cat. They constitute one of the most superior legislatures, I think, we have ever had in our State, and I do not believe there is a legislature superior to it in any State. They are generally men of substance, of culture, intelligence, and honesty, and, I am pleased to say, a majority of them are Democrats.

Mr. KYLE. The Postmaster-General, it is said, is opposed to this appropriation; the chairman of this committee says the Republicans are opposed to it; it seems that the Democrats are against it; now who wants it?

Mr. BATE. I am sorry to say there are Democrats here who are not opposed to it; but the Senator is correct in saying that the Postmaster-General is against it. I talked to him this morning.

The chairman of the committee we have just heard from in positive and eloquent terms, and he is against it. There are some Democrats, at least, in this Senate who are against it, and some Republican Senators also, I am glad to say, are against it. I am sorry that there is a single man who is a Democrat or who calls himself one who is for it.

I look upon it as a mere bounty. I opposed the bounty on sugar upon principle, and this is no better than that. I would as soon vote for one as for the other. I was opposed to the ship-subsidy bill upon principle as well as from policy, and I see no marked difference between giving a subsidy to a railroad and giving one to a ship.

I would rather give the subsidy or bounty to the sugar planter, who can help the world a little in his culture of a necessary of life, than to give it to either one of the others. One is a gratuity or subsidy to that which floats upon the ocean; the other is a gratuity or a subsidy to that which operates upon the land—and of the two the ship is the better. It is certainly less harmful. The railroads of the country have virtually taken possession of it. They do not need this bonus, if we believe half we see in the papers about billion-dollar deals. It is not a charity. It is not like sending money or bread abroad and putting it in the withered hand of poverty when misfortune happens to India. It is not that kind of a gift. The railroads do not need it, sir. They do not need it, for they are plethoric with wealth.

Look at the corporations united in this mail-transportation scheme. There are five or six of the largest corporations in the United States interested in it, beginning with the Pennsylvania Railroad. Suppose I read them. The list was handed me to-day. Let us see how much money goes to them. I was surprised when I found the combination that is to get this fund of \$171,000 as a bounty, for it is a bounty and nothing else. I will read the names of the railroad corporations among which this benefaction is distributed.

It is well for the senate and the legislature of my State, which communicated with us, to know the railroads to which I am requested to vote this appropriation. The compensation to these railroad corporations will be found in the statement made by the Second Assistant Postmaster-General before the Committee on Post-Offices and Post-Roads, and is printed in the RECORD of February 7—I have it here—as an appendix to the remarks of Representative BURKE. Now, what are the roads interested in this matter? From New York to Philadelphia, the Pennsylvania Railroad; from Philadelphia to Washington, the Philadelphia, Wilmington and Baltimore Railroad—

Mr. WOLCOTT. I hope the Senator from Tennessee will read the amounts, if he has them. If not, I can supply them.

Mr. BATE. I have not them, but I can give the total. I would like to have them.

Mr. WOLCOTT. The first one he read, the Pennsylvania, gets \$11,331 to Philadelphia, and then I will give the others if he wants them.

Mr. BATE. I want them. I read: The next one is, from Philadelphia to Washington, the Philadelphia, Wilmington and Baltimore Railroad.

Mr. WOLCOTT. Seventeen thousand one hundred and seventy-eight dollars goes to that road under this subsidy or appropriation.

Mr. BATE. From Washington to Danville Junction, the Southern Railway?

Mr. WOLCOTT. Twenty-nine thousand seven hundred and seventy-five dollars the Southern Railway gets, as far as Danville.

Mr. BATE. Next is Danville to Atlanta, the Southern Railway.

Mr. WOLCOTT. It gets \$51,175 for this train between those two points.

Mr. BATE. Atlanta to Westpoint, Ga., the Atlanta and Westpoint Railway is next.

Mr. WOLCOTT. Ten thousand seven hundred and seventy-five dollars.

Mr. BATE. Westpoint to Montgomery, Ala., the Western Railway Company of Alabama.

Mr. WOLCOTT. The Western Railroad of Alabama gets \$10,708.

Mr. BATE. From Montgomery to New Orleans, the Louisville and Nashville. What does it get?

Mr. WOLCOTT. Thirty-nine thousand seven hundred and eighty-three dollars per year.

Mr. BATE. Then the Louisville and Nashville gets \$39,000, and I hope Senators will not say that I will not vote for the amendment because my city has been left out or my State has not

been rewarded in that respect. The Louisville and Nashville gets \$39,000. With me, Mr. President, this is a principle and not a policy. I know no difference between giving a bounty to Louisiana for her sugar growers to furnish a necessary of life and giving it to a railroad in order to have what we call a fast train. I know no difference, as I have said, between this and giving a ship subsidy, which the President pro tempore has urged so strongly upon this Senate, as have others who are assisting him, while we Democrats have been fighting day after day, as it was said, for the purpose, if nothing else, of killing the bill, because we opposed the subsidy on principle.

This is a subsidy purely. It is a bounty, and I am opposed to subsidies and bounties given in this way. I do not think it consonant with the party to which I belong, and some of its members here will vote for this, I am sorry to say. It seems some Senators whose political faith, as expressed in State and national platforms as against such legislation, favor it. In our Democratic creed we assert it as a party principle that we have no right under the Constitution to tax the people beyond what they can properly bear and beyond that required to take care of the Government, economically administered. In doing this equality should be observed and no special privileges granted.

So, Mr. President, I am opposed to it on that ground. I say it puts a tax upon the people to that extent, be it great or small. It is a principle with me, and principles never change, and policy should be subservient to principle—certainly as far as can be.

Now, Mr. President, as to these two particular trains I beg to say something. They are 35 and 37 according to the number as I understand it; No. 35 is the subsidized one, but they utilize both of them interchangeably. They start two of them a day, one in the morning and one in the evening, leaving New York for New Orleans and vice versa, and they strike all along through our Southern country, keeping down competition in carrying the mails as far as possible.

One of the objects of this railroad connection is to prevent competition. Wherever there is competition there is no trouble upon the question of the contract with the railroad. It has been well stated by the chairman that this very contribution or subsidy interferes with the contract of the Post-Office Department. It does so most naturally, because contractors see this preference given, and others are expecting it, and therefore they hold for a higher price in making their contract with the Government to transmit the mails.

Furthermore, it is understood—and I believe it, sir, and the hearings here show it—that there are other roads which carry the mails in less time, or in the same time, the same distance, or even a greater distance, at a cheaper rate.

Now, Mr. President, it is proposed to strike out this subsidy of \$170,000, and I think it should be done both on principle and policy. I speak of the first proposition to renew the contract with the road that runs into New Orleans and back to New York. But this is not all. The motion to strike out extends also to the next section. This section relates exclusively to special facilities on trunk lines from Kansas City, Mo., to Newton, Kans., \$25,000, or so much thereof as may be necessary.

What is that for? It shows that that road, beginning at Kansas City, extends to Newton, a point in Kansas, and the Postmaster-General says they get \$25,000 for it and it is done for newspaper purposes. Let us see accurately what he does say upon this point. I turn to the statement in the testimony of the Second Assistant Postmaster-General in the hearings before the Post-Office Committee, and find that he says:

For continuing necessary and special facilities on trunk lines from Kansas City, Mo., to Newton, Kans., \$25,000, or so much thereof as may be necessary: *Provided*, That no part of this appropriation shall be expended unless the Postmaster-General shall deem such expenditure necessary in order to promote the interest of the postal service.

What further? Then he is asked the question, What is this for? and the Postmaster says:

That is for a Kansas City newspaper that goes to Newton, Kans. The Atchison, Topeka and Santa Fe road would be very glad to cut it off, but they have to run it for a Kansas City newspaper and distribute their papers out as far as Newton.

Now, Mr. President, that looks like—

Mr. HARRIS. Will the Senator pardon me?

The PRESIDING OFFICER (Mr. GALLINGER in the chair). Does the Senator from Tennessee yield to the Senator from Kansas?

Mr. BATE. Oh, yes, sir.

Mr. HARRIS. I wish to ask the Senator if he really thinks the Postmaster-General believes that this train is run by the Santa Fe road merely to carry one newspaper from Kansas City to Newton? It seems to me it is too absolutely absurd to suppose that only such a purpose as that is accomplished by the train.

Mr. BATE. I do not know anything about the train there.

Mr. HARRIS. There are many other papers published in Kansas City. There are papers published in Topeka which use this train. All the evening mail which is received in Kansas City

from the West can be answered by this train, leaving at 1 o'clock in the morning, which reaches southern Kansas, northern Texas, and all the Indian Territory.

Mr. BATE. I read what the Postmaster-General said. I know nothing about the mail there or the reasons for this service. I only read what he says, and I assume that what my friend the Senator from Kansas says is correct; but it shows with what recklessness and aggressiveness they make raids upon the Treasury of the United States; and they do it for the sake of gratifying newspapers, and they do it in many other instances with as little reason as this one affords.

There is no necessity for this appropriation of \$170,000, nor the \$25,000. This ought to be conceded, because the proof shows that the mail trains ran as fast before getting subsidy, and would run as fast now if it had proper competition, and this tends to kill off competition. It shows that fact; and this is a sad hour when we see that newspapers or any individual or corporation make such a raid upon the Treasury in the manner in which this is done. Here is \$170,000 to be paid out. It is not a great deal in one sense, it is true, but it is added to other similar assaults on the Treasury until it sums up a large amount. Let us see how much that adds to it. Here is this New Orleans and New York railroad. How much do you suppose it gets from the Government? I have the statement as it comes from the Second Assistant Postmaster-General:

Amount per annum authorized between the points named:

That is, from New York to New Orleans and back—

For transportation	\$1,358,988.39
For railway post-office cars	294,036.00

For transportation and railway post-office cars	1,653,024.39
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For special facilities:
That is this

170,680.50

Total for the service from New York to New Orleans there is paid by the Government for the transmission of its mail \$1,823,706.89.

Mr. President, that is an enormous amount.

I think the proposition to leave it to the discretion of the Second Assistant Postmaster-General is all wrong. It is cowardly on our part. We ought to come out and say whether we are for or against this line of road having this \$170,000. We ought to say that the Postmaster-General shall or shall not do it, and not shirk the responsibility and turn it over to him and say that if he believes it is right he can pay it—we will leave it in his discretion to do so. I do not believe in that, sir. I think we ought to be manly and open about it and say to the Postmaster-General you shall or you shall not pay this subsidy.

I am against this principle, and can not vote for this provision because I regard it not only as a subsidy, and hence improper legislation, but it is that which the Democratic party, to which I belong, has been always against. I have been taught from my earliest manhood that subsidies and bounties and all such drains on the Treasury are wrong. This money comes from the people. They have the taxes to pay, and their backs are already bowed under the weight that has been piled upon them by the taxes of this country; and we had better set about to relieve than to study how to put heavier burdens upon them.

I stand by what I believe to be the interest of the people. I do not believe it is proper to tax them this \$170,000. We have been taxed against our convictions of right, indirectly taxed, by the fishery bounties away up on the coast, but our people were taught to know what they were and opposed them. But I will not stop now to discuss that, other than to say it was regarded by Democrats as vicious legislation. It was against the political sentiment of the people I have been affiliated with.

In the next place, the tariff comes along. That is an oppression to a certain class, to the consumer, and it is class legislation, and as class legislation we hold that it is not constitutional. We hold that we have no right to make an invidious distinction and that the people should pay according to their condition in life for the support of this Government and not put a tariff, or tax, upon one class for the benefit of another.

This protective tariff is class legislation, sir, as a certain class receives a protection that enables them to send their goods off to South America and elsewhere and sell them cheaper than they will sell them at home to their own consumers because they are protected from foreign competition. I think the legislation of the country ought to stop it or change it. I believe it would be best for the consumers—the large majority of the people—to have it done.

Not only so, Mr. President, but, as I have stated, and you will pardon me for reiterating in substance what I have said heretofore, when the bounty upon sugar was put upon us, and we had that proposition up for consideration, nearly every Democrat in the Senate voted against it. I hardly know more than one or two, and I am not trying to quarrel with my friend, sitting by me here, from Louisiana [Mr. CAFFERY] about it. But I say I have seen that done, and that subsidies in every form have been

opposed here by the Democracy. Not only so, but has been done in conventions, and Democratic platforms, State and national, have enunciated it; and it is a source of regret to me to see some of our political faith advocating this railroad subsidy.

I felt a little aggrieved when the chairman of this committee said a while ago that the Democrats had maintained this subsidy here in spite of his objection to it. I have objection to it, sir, and so have you and you and you. I see several Democrats around me who have objection to it. I challenge any man now who is going to vote for it, who is a Democrat, to draw the line of distinction and show what is the difference between giving this subsidy and giving a subsidy to a ship. It is proposed by the ship-subsidy bill, you know, to enlarge the commerce of the country. They propose to extend the tonnage to help this country in various forms at home and abroad. To extend the commercial power in all its relations, and that is an incentive offered in support of the ship-subsidy bill. This railroad company offers the inducement only to carry the mail a few minutes sooner from New York to New Orleans than it would be carried if it was not subsidized. That is the proposition. I say I should prefer giving assistance to a ship rather than to give it to a railroad. The railroads are assuming dangerous powers in this country, and the ships are not doing it. Both are subsidies, and to both I am opposed and have been taught it by the principles that govern the Democratic party. It is my faith. I have, under its teaching, been taught to respect the Constitution of my country and oppose that which is in violation of it.

I think it is not right to use the people's money in this way, as a subsidy to a particular class—railroads or ships—and shall oppose it, and I hope my Democratic friends who think this way will take the view I do, and say that it is a subsidy, for it seems to me it can be nothing else. It is a gratuity, sir, to a combination of corporations, plethoric with wealth and power. This road is not an object of charity, to which we should give \$170,000. It returns no just equivalent to the Government for it. Indeed, the very officer whose duty it is to control and regulate the transportation of the mails not only shows by reasons given, but by his official statement, that the mails between the two points—New York and New Orleans—would not be facilitated by this subsidy.

Mr. President, no one of the different terms of phraseology which have been applied to the various kinds of Government and private enterprise, whether called "subsidy," "bounty," or "special facilities," can remove the appropriation from condemnation by that democratic principle which declares for equal rights to all and denounces special privileges to any class of citizens, individual or corporate.

In the matter of the appropriation in the Post-Office appropriation bill, the more euphonious designation of "extra compensation for special railroad facilities" has been adopted by some who denounce subsidy to ships, but would accept a bounty to a railroad.

The ship subsidy bill provides "extra compensation for special facilities" on the sea, and this appropriation to the Southern fast mail is a subsidy to the railroad for special facilities on land. They are interchangeable terms, meaning the same, and equally at variance with that equality of right and privilege for which the Democratic party has always and at all times stood. No difference in phraseology which appropriates public money to any class of citizens can differentiate a bald subsidy from the more euphonious "extra compensation for facilities."

A subsidy is a grant from the Government to aid private enterprise. In its boldest form it appropriates money derived from the taxes of all the people to assist corporations in building ships for private emolument or in running railroads under the guise of fast mail trains for their own gain.

An appropriation for extra compensation to a particular line of railroad differs from a subsidy only in the more acceptable phrase in which the same misappropriation of money is sought to be disguised.

My inability to discriminate the subsidy shipping bill of the Senate from the appropriation in the Post-Office bill for a particular line of railroad places me, to my very great regret, in apparent opposition to the legislature of the State of Tennessee. The opposition is only apparent, not real. The Senators and Representatives from Tennessee have been "requested," not "instructed," to vote for this appropriation. The distinction permits all latitude of conviction as to duty alike to the principle of the Constitution and to the platforms of the Democratic party, in the State and in the national conventions.

Fully recognizing the right of the State, after discussion has advised its legislature and ascertained the public sense of the State on any constitutional issue, to "instruct," I accept the phraseology of "request" as not intending to "instruct," but leaving the Senators free to consult their constitutional convictions, to maintain their political consistency, and to remain faithful to the platforms of the Democratic party of Tennessee and of the United States.

I can nowhere find in the party history of the Democratic party any recognition of constitutional warrant for private benefactions from the Federal Treasury either to favored classes or favored corporations.

To pervert the power of appropriation from the great purposes for which it was conferred on Congress to the promotion of private enterprise, under whatever form it may be disguised or concealed, is opposition to the Constitution, of which the State of Tennessee would not "instruct" her Senators or request her Representatives to be guilty. The "request," I take it, has been made without the legislature having considered all the circumstances which surround the appropriation to the Southern fast mail, not thinking that "special facilities" was purely and simply a bounty, which every Democratic platform condemns.

No public reason and no public necessity exists which requires two trains within fifteen minutes of each other, and it is only the private benefaction of this subsidy which induces the running of train No. 35.

The bald gratuity, as I have shown, has nothing of charity to excuse its violation of constitutional limitations. It can not plead a necessity—it is neither necessary nor proper—and the special-facility subsidy train can be dispensed with without public or private inconvenience longer than a few minutes.

I do not believe that the legislature of Tennessee understood that the Post-Office Department regarded this appropriation as "wasting the public money" when it requested its Senators and Representatives to assist by their votes in passing this unnecessary and wasteful subsidy.

The matter of compensating railroads for carrying the mails has been conferred on Congress; but in my judgment the power to confer a private benefaction or subsidy does not rest with any or all the departments of the Federal Government. I am not opposing full and fair compensation for carrying the mails; nor do I regard the transportation of a ton of mail matter as I would a ton of merchandise. Nor would I apply the same rule of public utility to both.

I regard the transmission of intelligence, the intercommunication as to business affairs, as far more important than the interchange of commodities, and as requiring a schedule of charges more encouraging as to speed and delivery. Whatever compensation the Congress may adopt for carrying the mails, and apply to cover all the expenses, and even a fair profit on the transportation, will not find in me an opponent; but special privileges in class legislation, threatening the general welfare as in the shipping-subsidy bill, and this railroad subsidy bill, will find opposition in me.

It is with supreme reluctance that my political convictions will not permit of my complying with the "request" of the legislature of Tennessee, as well as with that of the commercial bodies of the State, composed as they are of citizens of ability and the highest respectability. But believing that the requests of both legislature and commercial bodies have been made without due consideration of constitutional principles, as well as the declarations of the Democratic party in State and national conventions, and that my vote for this appropriation or for the ship-subsidy bill would be a departure, as a Senator of the State, from its policy, its principles, its convictions, and its interests, I can not cast my vote for either.

Mr. BACON. Mr. President, the only interest that my people have in this matter is to secure fast mail. In other words, there is not a single dollar that is provided for in this part of the bill which, so far as I know, will go to a single citizen of my State. I mean that not in a general way, but in a literal way. So far as I have information, there is not one single dollar or fractional part of a dollar contained in this appropriation which will go to any citizen of my State.

Mr. ALDRICH. Does the Senator mean to say that there are no stockholders in any of these railroads living in his State?

Mr. BACON. So far as I know, not one.

Mr. ALDRICH. I should be very much surprised—

Mr. BACON. There is probably one exception, the road from Atlanta to Westpoint. There are some Georgia citizens interested in that road.

Mr. BATE. And the road from Westpoint to Montgomery, Ala.

Mr. BACON. That happens to be in Alabama.

Mr. PETTIGREW. Mr. President—

Mr. BACON. The Senators have certainly occupied time very considerably for the last hour and a half on this subject, and I have not interrupted them. I do not object to interruptions if they will wait a little.

Mr. PETTIGREW. I do not care to interrupt the Senator. I intended to ask him a question, but I do not care to bother him now.

Mr. BACON. As the Senator has risen I will make an exception and let him ask it now.

Mr. PETTIGREW. I refrain, because I fear I should not get any information; and I shall continue to do so.

Mr. BACON. I have recognized the fact that the Senator from South Dakota has, since I have been in the Senate, had most of the information that has been enjoyed in this Chamber. I am sorry I have not been able to add to it even in the slight degree which he thought when he rose first that possibly I might be able to do. I certainly have not in my reply to him justified any such response from him; but as he has chosen to make it, I am perfectly willing to receive it and let the Senate judge whether I have been discourteous to him or he to me.

Now, I wish to start back and repeat that the object which I have here is a perfectly legitimate one—to endeavor to secure for the people of my State the most rapid and efficient postal service that is possible, and that is all.

Mr. President, the people all over my State are interested in this matter, and deeply interested in it. From almost every community in my State there have come up appeals not to permit, in so far as we were able, any change in the present arrangement by reason of which they would fail to get the postal service which they now enjoy. The contention is that this particular subsidy, as it is called, is not necessary in order to secure to our people a continuance of this service. They do not agree in that view. They know the fact to be that prior to this appropriation they did not have the present postal advantages; and they do know that ever since this appropriation was made they have had them. They know it is of the utmost importance to them that this postal service should be continued, not as a mere matter of convenience, Mr. President, but as a matter of business. It is of the utmost importance to the people of my State.

There are other Senators here who can speak for their States, but, speaking for my State, I say from a business standpoint it is of the utmost importance that this postal service should be continued, and that however we may differ as to the fact whether the discontinuance of the appropriation would make a material change in the service, I repeat the people know that before the appropriation they did not have the service and that they do have it now.

Mr. President, Senators have said that there is no difference between the appropriation of this money to secure this fast mail and the appropriation of money to give a bounty to any other interest, a bounty to sugar, for instance, or a bounty to a ship that carries private freight. In the one case it is a payment. It may be an excessive payment for aught I am prepared to say, but nevertheless it is a payment for service rendered, not only to the Government, but to the citizens of the Government.

I am opposed to subsidy or bounty, if you may please to call it so, where there is no return, but I am always in favor of all which may be necessary to give to the people of the United States the very best postal service that it is possible to give to them, because there is no expenditure by the Government from which the people at large and all classes of people, the rich and the poor, the high and the low, so universally and impartially enjoy the benefit of the bounty, if you please, of the Government as that which they enjoy through the expenditure made to carry them the mails. I shall never be found voting any restriction upon any expenditure necessary to give them the very best advantages which the postal service can give, not only as to first-class matter, but as to all classes of matter.

Mr. CAFFERY. Mr. President—

The PRESIDING OFFICER (Mr. GALLINGER in the chair). Does the Senator from Georgia yield to the Senator from Louisiana?

Mr. BACON. With pleasure.

Mr. CAFFERY. I simply wish to make an inquiry for information. I want to know how long the Southern road that runs from New York to New Orleans and Florida has been subsidized to expedite the mails, as the Senator says. When did it commence?

Mr. BACON. I can not give the dates.

Mr. MALLORY. In 1893.

Mr. BACON. Turning aside from what I was saying right then, the question of the Senator from Louisiana reminds me of a matter which I wish to state. I very much regret that the senior Senator from Mississippi [Mr. MONEY] is detained from the Chamber by illness, because he could give the history of all this matter.

It is not true, as my distinguished and honored friend from Tennessee [Mr. BATE] says, that the Democratic party has always been opposed to these extra payments—call them here what name you will—for the expediting of the mails, because it so happens, as I know from the personal statement made to me by the senior Senator from Mississippi, that when he was a member of a Democratic House and the chairman of the Committee on Post-Offices and Post-Roads of that House, it was through his personal action, or rather his official act personally performed, that most of the contracts were made in the United States which were made giving extra compensation to railroad companies for the expediting of the mails. If the Senator from Mississippi were here, he would be ready to go through the history of this matter and give in detail how he wrote to this road, that road, and the other road for the purpose of endeavoring to make contracts by which extra com-

pensation was paid. You may call it subsidy if you please; extra compensation is what it is. It is not a bounty; it is an extra compensation for extra service.

I say he wrote to roads all over the United States trying to make contracts by which the Department or the Congress would give extra compensation for extra speed in the transportation of the mails, and he would be prepared to state here how a number of roads refused to accept any such extra compensation because the compensation would be insufficient to balance the extra cost of wear and tear necessitated by this extra speed.

Mr. WOLCOTT. Will the Senator from Georgia permit me to interrupt him?

Mr. BACON. With pleasure.

Mr. WOLCOTT. I suppose he is aware that a few years ago another railroad—I think the Seaboard Air Line—offered again and again to carry this same mail with the same facilitated service for less, and offered to carry it for nothing if we would take off this subsidy. But we never could get it off.

Mr. BACON. I will tell you what the Senator from Mississippi stated to me in regard to the matter. I was coming immediately to that when the Senator propounded his inquiry. The Senator from Mississippi, if I recollect correctly, stated to me that the first contract was made with that road. It was made with that road—

Mr. WOLCOTT. Yes.

Mr. BACON. Well, with the road running in that section—the Atlantic Coast Line.

Mr. WOLCOTT. Yes.

Mr. BACON. And that they gave it up because they were unwilling to encounter the extra expense which was incurred by reason of the fast schedule which was put upon them by the Department.

Mr. WOLCOTT. Does the Senator believe for a moment that this train would be taken off if the subsidy was not given?

Mr. BACON. If the Senator will pardon me, I will come to that before I get through. If I fail to do so, I hope he will remind me of it.

Mr. WOLCOTT. I do not mean to interrupt the Senator for more than a moment.

Mr. BACON. I do not object.

Mr. WOLCOTT. The Pennsylvania Railroad runs one hundred and forty-odd trains a day between New York and Philadelphia, about 60 between Philadelphia and Washington, and this particular mail comes on one of the slow trains of the Pennsylvania Railroad. If it were mailed an hour or two later in New York, it would get to Washington earlier. So out of forty-odd thousand dollars that is allowed to the Pennsylvania Railroad nothing is facilitated up to that time. I am informed that there are plenty of other railroads that would be very glad to carry the same mail, if they had the chance, at the regular Department rates. It lies here, I think, three hours after it gets here, to get it acclimated.

Mr. BACON. I understand those are the statements which have already been made by another Senator, probably not with the same grace and eloquence as the Senator from Colorado has repeated them. Those are the facts already stated here, I understand; and as to them, I confess I am not so familiar as I am with matters a little farther South, where we do not have quite so many trains. As to whether or not it is necessary between here and New York, I am frank to say I am not prepared to speak, as I am prepared to speak of the fact that, so far as I can judge, it is necessary from here south.

Now, Mr. President, I was going on and state what the senior Senator from Mississippi had said to me. The Senator from Mississippi, I repeat, was the chairman of the Committee on Post-Offices and Post-Roads in the House of Representatives, if not at the time this particular contract was made, at the time the system which inaugurated it was introduced, and he stated that it was a matter of difficulty to get the railroads to accept these contracts; that it was declined by numbers of them.

Mr. WOLCOTT rose.

Mr. BACON. If the Senator will please pardon me, I had gotten to this point before, and I will yield in a moment, as soon as I get beyond it. He said that the road running to the eastward of the present line was one of the first ones. I am not sufficiently familiar with the names of them.

Mr. WOLCOTT. The Atlantic Coast Line.

Mr. BACON. That took it and gave it up, and I was about to state the reasons why they gave it up, but I will pause for the inquiry of the Senator.

Mr. WOLCOTT. I will simply say to the Senator generally that it appeared in our testimony and in the investigations we have made, and it was so stated by the Second Assistant Postmaster-General, that in all the railroad systems of the United States there never has been a single instance where any railroad has declined to put on a fast exclusive mail train at regular compensation if the Post-Office Department has requested it, or a fast passenger train to carry the mail, nor has any railroad in the

United States ever failed to change its hours to meet the wishes of the Department.

The compensation which this train gets, the legal compensation, which is regulated by law, is sufficient to induce any railroad, including this one, to carry the mail if demanded, and if it carried it at a loss it would still carry it. The railroads cooperate with the Department perfectly. They never refuse to carry mail. There are fifty instances to-day where the railroad companies have changed their schedules to oblige the Department. There are a dozen instances in trunk lines where fast exclusive mail trains, practically exclusive mail trains, have been put on because the Department has requested it; and the Southern Railroad would be extremely gratified to take this mail through at the regular compensation if it were requested to do so.

Mr. BACON. Mr. President, it is extremely difficult for me, of course, to present a continuous argument if I am interrupted at every part as I go on.

Mr. WOLCOTT. I will not interrupt the Senator again.

Mr. BACON. I am ready to be interrupted for an inquiry.

Mr. President, there are reasons why railroads are not willing to accept these contracts for extra speed. While they would still be willing, possibly, to comply with a request to put on a train which would make this speed, in the one case they are their own masters; they make their own schedules; there is no penalty on them if they do not keep up those schedules. But in this particular case the schedule which is complained of here is made by the Post-Office Department. They dictate when the train shall start; they dictate when it shall reach this station and when it shall reach another and when it shall arrive at the terminus; they impose penalties if they fail to make the schedules, and those penalties are not imposed on railroads which simply comply with the demand.

Mr. WOLCOTT. Oh, yes, they are; absolutely.

Mr. BACON. I do not mean to say that there are no penalties, but I say they are not the same penalties.

Mr. WOLCOTT. It is identically the same, Mr. President. There are no special penalties for special service; none whatever.

Mr. BACON. My information was the other way.

Mr. WOLCOTT. No, sir.

Mr. BACON. Of course, the Senator from Colorado is in a much better position to know.

Mr. WOLCOTT. No, sir; the Post-Office Department reports as to this particular mail that it could get exactly as good service without the subsidy.

Mr. BACON. Does the Senator mean to say that there is no penalty on this particular road other than what is imposed on other roads?

Mr. WOLCOTT. None but the ordinary penalty imposed on any railroad.

Mr. BACON. What is the ordinary penalty?

Mr. WOLCOTT. A deduction of a certain percentage if they go inexcusably behind.

Mr. BACON. Is the Senator prepared to state what it is?

Mr. WOLCOTT. I have not at the moment the figures.

Mr. BACON. I will tell you what my information is as to the penalty on this train, and then the Senator can tell whether it is the same or not. I am informed the penalty is that if they are five minutes late, I think it is, at a certain station they lose the compensation of that day.

Mr. WOLCOTT. That is probably because the train is so slow that there is no excuse for not making time. [Laughter.]

Mr. BACON. That may be, but while that is a retort which amuses the Senator and others it does not answer the argument. It does not meet the point, and that is the question whether the penalty is the same on that as it is on other trains. My information is that it is different. I can tell you what the penalty is on this line. Is the Senator prepared to say that the penalty on this line is the same as on the others?

Mr. WOLCOTT. I will ascertain.

Mr. BACON. Now, Mr. President, there is another point of view to which I wish to direct attention. I repeat I am not prepared to say but that the Senator's view is correct. I should suppose from his position he would be very much better situated than myself to have accurate information on the subject. I simply knew what the penalty was on this line. I do not know what it is as to others.

But, Mr. President, Senators must not fail to remember that conditions in this large extent of territory are very different from conditions in the most thickly populated parts of the country. The junior Senator from Massachusetts [Mr. LODGE] stated that there was no perceptible change in the service between Boston and New York since they had been deprived of this extra compensation.

Naturally so, because that is an extremely thickly populated and wealthy section of the country, with trains running almost or

nearly as often as street cars run upon a street railroad. Consequently there is no perceptible change. But when you come to a thinly-settled section of country, with a line stretching through 1,500 miles of such a country, where trains can not be run frequently, where there is not such a vast patronage to compensate for the high rate of speed, the railroads must have a high compensation or we do not get that high rate of speed.

Mr. TURLEY. Will the Senator permit me to ask him a question?

Mr. BACON. Yes.

Mr. TURLEY. I would ask the Senator if it is not a fact that this very same railroad runs two daily fast trains through East Tennessee by way of Lynchburg, Knoxville, Bristol, and Chattanooga, and that this train makes connections at Charlotte with a continuous fast train by Nashville and through East Tennessee; and, as I understand, that country all through East Tennessee is no more thickly settled than is Georgia or North Carolina or South Carolina?

Mr. BACON. I do not know anything about the train of which the Senator speaks, but I do know something about the train which runs through Georgia. I do not know anything about the train running through Tennessee.

Mr. TURLEY. They are all through trains.

Mr. BACON. Mr. President, there is one feature I want to call the attention of the Senate to in this matter, and that is this: Not only do the people on the main line of the road get the benefit which accrues from this extra service, due, as we think, to this extra compensation, but the people on all the lines which radiate from the main line get the benefit of it. I will give an instance within my own personal knowledge.

For some time after this fast mail was established between New York and New Orleans there were certain points along the line—I do not know whether as to all or not, but certainly as to some—where the railroad did not feel under any obligation to promptly take up the mail and carry it on their radiating lines. They seemed to think that they had answered all the public requirements when the through line was promptly served. For instance, at the city of Atlanta it was formerly the case that a branch of the Southern road which ran in a southeasterly direction for 300 miles through the State of Georgia to the city of Brunswick—that at that point the mail was delayed from three to four hours after it had reached Atlanta.

There was no contract which required the railroad to take the mail up promptly when it got there for that and other points. It was then represented to the railroad that the spirit of this law required the prompt transmission not only of the mail on the through lines, but on the connecting lines, and they saw at once the reasonableness of it. The mail was formerly stopped at Atlanta three and one-half hours after the arrival of the train, but since that time it has been so arranged that it is taken up in twenty minutes, and the service of the mail in the State not simply on this particular line has been advanced to the extent of three and one-half hours, but three and one-half hours have been gained on other connecting lines.

Three and a half hours represent practically a business day. So it is not only on the line of this through mail where interest in this fast mail is found, but it is in every village and every hamlet of the State, because it is like a great artery which has innumerable little feeders, and the impulse in one is felt in the remotest part of all. To take off this fast mail would be to practically lose a whole day in the business of the State of Georgia with the Eastern centers. As they now have it, it takes twenty-four hours less to have a transaction in New York by mail than it would if this fast mail were not in existence. The only question is whether the loss of this extra compensation would lose the extra service. We think it would, our people think it would, and for that reason they are in favor of its continuance.

Mr. President, I am not going to discuss the party question here; but I do say that it has never been contrary to the principle of any party to pay whatever was necessary—I care not what you call it, regular compensation, extra compensation, subsidy, or what not—to expedite the mail, to carry it through the country as swiftly as possible, and with the fastest service that is possible.

I have nothing more to say except to repeat what I said in the beginning, that this is not for the purpose of putting any money into the pockets of my people; except the little portion on the line I speak of, nobody in the State of Georgia that I know of will get a dollar out of it; but there is scarcely a village or a hamlet in the State that will not be benefited by the increased mail service; and it is for that we are interested, and for that alone.

Mr. MALLORY. Mr. President—

Mr. WOLCOTT. May I interrupt the Senator from Florida for a moment?

Mr. MALLORY. I yield to the Senator.

Mr. WOLCOTT. I am told there are still one or two Senators who desire to speak upon this subject. There is some little routine

business to be transacted I am told; and if the Senator from Florida would prefer to go on to-morrow morning I shall be glad if he will yield to me to submit a motion for an adjournment.

Mr. MALLORY. I only intended to occupy a very few minutes, not more than five or ten minutes at the outside.

Mr. WOLCOTT. Does the Senator prefer to go on to-night?

Mr. MALLORY. Yes, sir.

Mr. WOLCOTT. Then I will not make the motion to adjourn.

Mr. MALLORY. Mr. President, I consider it necessary simply to call attention to what I consider a reflection upon those Senators upon this side of the Chamber who have expressed their opposition to the ship-subsidy bill and to the principle embodied in the ship-subsidy bill. I was one of those who took up some time of the Senate in expressing my views upon that subject. For that reason I feel it proper that I should call attention to the fact that the announcement made here that there is no distinction whatever between this case and the case of the ship-subsidy bill is really not a correct statement. As I understood the ship-subsidy bill, or the principle involved in it, at least, it proposed to give something for a very remote prospective benefit. In this case there is an absolute contract, whereby the party paying money receives a benefit therefor.

This proposition has come down to the present day from many years back. Unless I greatly misunderstand, it originated in an extra payment for extra service to what is known as the Atlantic Coast Line Railroad. The United States had subsidized a line of steamers between Tampa and Habana. There was no fast line between Tampa and New York, and for some little time the Government found it necessary to give a subsidy or assistance to the railroads connecting Tampa with New York and Boston. That was done for a number of years and that payment annually made. I think it amounted to something like \$196,000 per annum.

In 1893 the Atlantic Coast Line Company came to the conclusion that it did not want that subsidy any more. I do not know what reason was assigned. I was in the House of Representatives at the time. There was no effort made on the part of the Atlantic Coast Line Company to secure a continuation of the subsidy, and the connecting roads from Boston to New York, New York to Washington, Washington to Wilmington, N. C., and then down to Jacksonville and Tampa, are unwilling to make any more effort for it. Then the Southern Railroad, or the lines which include the Southern Railroad, made a proposition that if the subsidy should be transferred to them they would carry the fast mail between Boston and New Orleans.

My portion of the South, or the State in which I live, really gets but very little appreciable benefit from this service. It is only the extreme western portion of Florida that is benefited. But it is a benefit nevertheless, for it receives its mail from New York, and has received its mail from New York ever since the inauguration of this system, much more quickly and much more certainly than it ever did before.

Between this city and my home it is now about thirty hours, and between Washington and New Orleans the schedule of the fast mail is about thirty-one hours, if I remember aright—I have not the figures now before me—but on that route there is the city of Washington, the city of Lynchburg, the city of Charlotte, the city of Atlanta, the city of Montgomery, Ala., the city of Mobile, Ala., and the city of New Orleans, La., all deriving immediate and great benefit from this fast train. If it were taken off, you would hear a universal complaint from all that section of the country that is now benefited by this extra compensation.

I shall not consume any more time owing to the lateness of the hour. My only purpose in rising was to protest against the assertion that there was no distinction between this so-called subsidy and the ship-subsidy bill.

Mr. CAFFERY obtained the floor.

Mr. WOLCOTT. Mr. President, if there is to be further discussion upon this measure I will give notice that I shall call the bill up to-morrow at the conclusion of the morning business. Two or three Senators have told me of some routine business which they very much desire to have transacted to-night, and I do not feel inclined to stand in the way of that. If we may have an understanding that I may call up the Post-Office appropriation bill to-morrow morning, as usual, then I shall be very glad to give way to those who have routine matters to dispose of.

Mr. ALLISON. I want to give the Senator from Colorado and other Senators warning about the appropriation bills—

The PRESIDENT pro tempore. The Chair desires to call the attention of Senators to the order which was passed some time since on the motion of the Senator from Massachusetts [Mr. HOAR] directing the reading of Washington's Farewell Address to-morrow immediately after the reading of the Journal. That order further provided that the ordinary business of the Senate should immediately be resumed after the reading of the Farewell Address, so that Senators may not understand the Senate is to adjourn immediately after the reading.

Mr. WOLCOTT. Mr. President, the Senator from Iowa [Mr. ALLISON] is wiser than most of us, and very much wiser than I am. If he advises that we proceed with the consideration of the pending measure, I am ready to proceed to-night; but when Senators have been very patient in attendance, it is hard to proceed when one Senator has got a bridge bill and others have other bills they are anxious to get through and have been waiting for six hours, it is rather harsh to say now, at a quarter to 6 o'clock, that they shall not have the opportunity; but I want to do whatever will facilitate the passage of the great appropriation bills.

Mr. ALLISON. I only desire to say a word. There are now lying behind this appropriation bill the consular and diplomatic appropriation bill, the fortifications appropriation bill, the Army appropriation bill, and the river and harbor bill.

Mr. MORGAN. And the oleomargarine bill.

Mr. ALLISON. Those I have named are the appropriation bills yet awaiting action; and there is the oleomargarine bill.

Mr. CULLOM. And other appropriation bills that are not ready.

Mr. ALLISON. And other bills of importance. But the necessity of passing the appropriation bills in the very near future is so urgent that I want to admonish Senators we must stay here at considerable later hours than we have been doing in order to pass them.

Mr. TILLMAN. We can have night sessions if it is necessary.

Mr. ALLISON. Very well.

Mr. TILLMAN. I am perfectly willing to come here at night, but when it comes time to get dinner I want to go. [Laughter.] I do not eat lunch, as the rest of you do.

Mr. ALLISON. I ask unanimous consent that to-morrow at half past 5 o'clock the Senate take a recess until 8 o'clock.

The PRESIDENT pro tempore. The Senator from Iowa asks unanimous consent that to-morrow at half past 5 o'clock p. m. the Senate take a recess until 8 o'clock. Is there objection? The Chair hears none, and that order is made.

ST. LOUIS RIVER BRIDGE.

Mr. CULLOM. I ask unanimous consent for the present consideration of the bill (H. R. 11789) amending an act entitled "An act authorizing the construction of a bridge over the Mississippi River to the city of St. Louis, in the State of Missouri, from some suitable point between the north line of St. Clair County, Ill., and the southwest line of said county," approved March 3, A. D. 1897.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Commerce with an amendment in line 18, page 2, after the word "street," to insert "and other," so as to read:

That street and other railway companies desiring the use of said bridge shall have and be entitled to equal rights and privileges relative to the passage of cars over the same and over the approaches thereto, and in case the owner or owners of said bridge and the street-railway companies, or any of them, desiring such use shall fail to agree upon the rules and conditions to which each shall conform in using said bridge, all matters at issue between them shall be decided by the Secretary of War upon hearing the allegations and proofs of the parties in question.

The amendment was agreed to.

Mr. VEST. In order to make the rest of the paragraph conform to the amendment just adopted, there should be one other amendment. I therefore move, on page 2, line 22, after the words "and the," to strike out "street," so that the proviso will apply to all railway companies.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. On page 2, line 22, after the words "and the," it is proposed to strike out the word "street" and the hyphen; so as to read:

And in case the owner or owners of said bridge and the railway companies, or any of them, desiring such use shall fail to agree, etc.

Mr. VEST. That is right.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

BONDS OF PIMA COUNTY, ARIZ.

The PRESIDENT pro tempore laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 8068) authorizing the board of supervisors of Pima County, Ariz., to issue fifty-year 4 per cent bonds of Pima County, Ariz., to redeem certain funded indebtedness of said county, and asking for a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. PETTIGREW. I think the bill ought to be committed to the Committee on Territories, and for this reason: The bill as it

passed the House gives preference to certain bonds of this county to the exclusion of others. As passed by the Senate it was equitable to everybody. The House refuses to accede to the Senate amendment and proposes to insist upon a special privilege being given to some particular bonds, giving them preference over other creditors. I therefore desire that the bill shall be committed to the Committee on Territories, so that parties interested can be heard if they desire a hearing. I know the people who are interested. A. N. Coler & Co., of New York, are interested in the matter, and their statement to me convinced me that the bill would do them a great injustice. I therefore move that the bill be committed to the Committee on Territories.

Mr. SHOUP. I wish the Senator would wait one moment. I think his objections can be removed, and I would very much like to have this matter acted upon. The parties to whom the Senator refers were written to while this bill was being considered in the committee, but they failed to appear. I think the better way to do is to insist upon the Senate amendments, agree to the conference asked by the House, and have the conferees appointed.

Mr. BUTLER. This conference committee can not be appointed to-night. It is just as well to let the bill be referred. If it is not referred, I shall move to adjourn.

Mr. HOAR. I should like to make a parliamentary inquiry, with the permission of the Senator.

Mr. BUTLER. Very well.

Mr. HOAR. I merely want to inquire of the Chair whether there is any instance known of the Senate refusing to agree to a conference and making another disposition of a bill? It is undoubtedly in the power of the Senate to do it.

Mr. PETTIGREW. The House has done it. I know that, because I have had an experience of that sort.

The PRESIDENT pro tempore. The Chair has never known of it being done by the Senate.

Mr. PETTIGREW. But the House has done it.

Mr. HOAR. I do not question the power of the Senate to do it, of course, but it seems to me it must be a very strong and grave reason indeed when the House has disagreed and it has asked for a conference—which is in theory an expression by the House of a desire to state to the Senate through its conferees its reasons—which would justify the Senate in refusing to hear those reasons before taking action. While, as I have said, I do not in the least deny the power of the Senate to do what is proposed, it seems to me it is an unusual proceeding, and if it goes too far will lead to very uncomfortable relations between the two Houses.

Mr. PETTIGREW. Mr. President, I agree with all the Senator has said. However, the Senate passed the free homestead bill some years ago, and after it passed the Senate asked for a conference; but the House referred the bill to a committee of that body. So I know it is the custom in the other body, and, therefore, there can be no possible disturbance of the comity between the two bodies under the circumstances.

Mr. CARTER. Mr. President, I think this matter can be disposed of without its reference to a committee, and to the satisfaction of all concerned.

The bill in question merely allows a county in the Territory of Arizona to fund an indebtedness by reducing the rate of interest from 7 to 4 per cent. There is no objection to that being done; but a controversy seems to exist between the county and certain bondholders relative to the validity of certain outstanding bonds. This bill, as originally passed by the other body, contained a preamble which seemed to cast some shadow on the validity of certain outstanding bonds, and it contained clauses which clearly validated and recognized the legality of certain other bonds. The amendment of the Senate is an appropriate amendment, in that it leaves the whole question of the validity of the bonds to be determined by the courts, allowing the county to fund its legal indebtedness under the terms of the bill.

Now, I do not conceive that there will be any recession by the Senate from its amendment, and I do not believe any serious controversy will arise between the conferees with reference to the principle involved. I think the Senator from South Dakota may with confidence agree to the appointment of the conferees, and I am quite sure that the committee which reported the bill will stand by him firmly in insisting that the question of the legality of the bonds shall be left to the court instead of being passed upon by Congress.

Mr. BUTLER. Mr. President, if the Senator will pardon me—

Mr. PETTIGREW. I think the matter had better go over until to-morrow.

Mr. BUTLER. I yielded for a parliamentary inquiry, and not for a discussion of this matter. I move that the Senate do now adjourn.

The motion was agreed to; and (at 6 o'clock p. m.) the Senate adjourned until to-morrow, Friday, February 22, 1901, at 11 o'clock a. m.

HOUSE OF REPRESENTATIVES.

THURSDAY, February 21, 1901.

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of yesterday's proceedings was read and approved.

GENERAL DEFICIENCY APPROPRIATION BILL.

Mr. CANNON. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of appropriation bills.

The motion was agreed to; and accordingly the House resolved itself into Committee of the Whole House on the state of the Union, with Mr. LAWRENCE in the chair.

The CHAIRMAN. The House is now in Committee of the Whole House on the state of the Union for the further consideration of House bill 14236, the general deficiency bill. When the committee rose last night the paragraph under consideration was on page 49, to which a point of order was pending.

Mr. CANNON. The gentleman from New York [Mr. SHERMAN] is not present, and I will ask to have it passed for the present.

The CHAIRMAN. The gentleman from Illinois asks that the pending paragraph may be passed without prejudice. Is there objection? [After a pause.] The Chair hears none.

The Clerk proceeded with the reading of the bill and read to the bottom of page 60.

Mr. CANNON. Mr. Chairman, I desire now to recur to page 49. The gentleman from Ohio [Mr. SHERMAN] is now present.

Mr. SHERMAN. The gentleman is present, but not from Ohio. It is very pleasant to be alluded to as coming from Ohio, but such is not the fact. [Laughter.]

Mr. CANNON. I just wanted to see what the gentleman from New York would say. [Laughter.]

Mr. SHERMAN. Mr. Chairman, I only want a moment's time to speak to the amendment which I offer. On the 24th of January I introduced, and it was referred to the Committee on Naval Affairs, a resolution providing for an investigation at Annapolis similar to the one that had theretofore been had at Westpoint, reciting as a preamble to that resolution that it was believed that hazing was practiced or existed at the Annapolis Naval Academy. I had come to that conclusion from statements made to me by former cadets at the Academy, and the parents and friends of such cadets, that there had been in existence at the Naval Academy various forms of hazing for some few years past. And not only in the Academy after the cadet was there, but during the period when a prospective cadet was preparing for examination and was at Annapolis for the purpose that the hazing was practiced as to them.

Mr. Chairman, there is no doubt in my mind, and I believe there is no doubt in the mind of any member of this House or any citizen of the country, who has given it any attention, that hazing had existed at Annapolis at least up to the time that the general question was agitated by the investigation at Westpoint.

Mr. WHEELER. Does the gentleman mean to state that the House has any control over the hazing of cadets who have not been admitted at the Academy?

Mr. SHERMAN. I think that we have control over cadets in the Academy, and I think that we can control cadets from going outside and hazing other boys who are in the preparatory school. I do think that.

Mr. WHEELER. Does the gentleman give the House to understand that cadets admitted to the Academy go outside and haze young men that are there temporarily preparing for the Academy?

Mr. SHERMAN. That is exactly what I mean to say, and I have the statement from a cadet himself and from boys who have been at Annapolis preparing for examination.

Mr. WHEELER. I hope the gentleman will do the committee the justice to say that his resolution was never pressed before the committee and that these facts never appeared before the committee.

Mr. SHERMAN. I will say this, Mr. Chairman: I think there has been but one meeting of the Naval Affairs Committee since the resolution was introduced.

Mr. WHEELER. The gentleman is mistaken about that. There have been repeated meetings, and members of the committee called on the gentleman from New York to see if he desired to press his resolution.

Mr. SHERMAN. And I stated that I did wish to press it. Mr. Chairman, I do not wish to criticize the Committee on Naval Affairs. I did desire to press the resolution, and I desired to have a hearing before the committee. I supposed I would have it at the convenience of the committee. I am, however, offering no criticism of the committee in that regard.

Mr. WHEELER. The committee expressly desired to hear the gentleman on his resolution.